UNITED STATES OF AMERICA.

Massachusetts District, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the R. H. White Company, a corporation duly organized under the laws of the State of Massachusetts and doing business at Boston in said State

Your Agents and Servants, GREETING:

WHEREAS Frederick Dielman of the City and State of New York

has exhibited his Bill of Complaint before the Justices of our Circuit Court of the United States for the First Circuit, begun and holden at Boston, within and for the District of Massachusetts, on the fifteenth day of October A.D. 1898, against you the said

R. H. White Company

praying to be relieved touching the matters therein complained of, and whereas, by an order of said Court made on the 25th day of April A.D. 1899, it was ordered that a Writ of Injunction issue under the Seal of the said Court, to restrain you and each and every of you, from doing all the matters and things from the doing of which you are prayed to be restrained in said Bill, according in full with the prayer of said Bill.

WE therefore, in consideration thereof, ENJOIN AND COMMAND you each, and every of you that from and immediately after the receipt and notice of this our Writ by you, or any of you, you shall not sell or offer for sale any copy or reproduction of a certain original painting or design for a work of the fine arts entitled "Low" copyrighted by said Frederick Dielman in 1896 until the further order of the Court

WHEREOF you are not to fail on pain of ten thousand dollars, to be levied on your and each of your goods, chattels, lands and tenements, to our use.

Witness the HONORABLE MELVILLE W. FULLER, Chief Justice of the United States, at Boston, this twenty-fifth day of April in the year of our Lord one thousand eight hundred and ninety nine

Benj. F. Bradlee Dep. Clerk.

United States of America. } Boston April 25th 1899
MASSACHUSETTS DISTRICT, ss. }

I HEREBY CERTIFY that I have notified the within-named defendant by delivering this day at 3.30 o'clock P.M. in hand to George W. Bailey Treasurer of the within-named R. H. White Company a duly attested copy of this writ.

Fee
Service 2.00
Copy .30
Travel .12 } 2.42

Albert Tuttle
Deputy U. S. Marshal.

No. 1133

Frederick Lichman

versus

The R. H. White Company

WRIT OF INJUNCTION.

UNITED STATES
Room 101 P. O. Building,
APR 25 1899
BOSTON, MASS.
MARSHAL'S OFFICE.

UNITED STATES CIRCUIT COURT
CLERK'S OFFICE
APR 25 1899

Alex. P. Browne

Attorney.

CIRCUIT COURT OF THE UNITED STATES,

District of Massachusetts.

IN EQUITY.

No.1133.

FREDERICK DIELMAN v. R.H.WHITE COMPANY.

FINAL DECREE.
Nov.26,1900.

LOWELL, J.

This cause came on to be heard and was argued by counsel for the respective parties and It is thereupon ordered, adjudged and decreed that the bill of complaint in this cause be and the same is hereby dismissed with costs taxed at

By the Court,

Deputy Clerk.

FREDERICK DIELMAN

v.

R. H. WHITE COMPANY.

FINAL DECREE.
Nov.26.1900.

Circuit Court of the United States,

District of Massachusetts,

In Equity.

No. ---------

Frederick Dielman

v.

The R.H.White Company.

Bill of Complaint.

To the Honorable the Justices of the Circuit Court of the United States for the First Circuit and District of Massachusetts, sitting in equity:

Frederick Dielman of the City and State of New York, a resident of the said City of New York and a citizen of the United States, brings his bill against the R.H.White Company, a corporation duly organized under the laws of the State of Massachusetts and doing business at Boston in said State and District.

And thereupon your orator complains and says:-

1. That on or about the 31st day of August, 1896, he being the author of a certain original painting or design for a work of the fine arts, entitled "Law" and intended to be reproduced in mosaic upon the walls of the building at Washington in the District of Columbia, known as the new Library of Congress, did cause to be deposited in the mail within the United States a description and photograph of said design or painting ad-

dressed to the Librarian of Congress at Washington,D.C.,together with the sum of one dollar,fee for recording the same and for furnishing a certificate of said record,all long prior to the date of the first publication of said painting or design in this or any foreign country.

2. That upon the face or front of the said painting long prior to the publication thereof as aforesaid,~~and subsequent to the copyrighting thereof~~,he placed the following copyright notice,viz.,"Copyright 1896,by Frederick Dielman."

3. That from the said copyrighted painting,sent for the purpose to Italy,an accurate reproduction was made under the direction of the said Dielman in mosaic,which said reproduction in mosaic was subsequently sent to the United States and set in place upon the wall of the said new Library of Congress as aforesaid,and that upon said reproduction or copy of the said design or painting,and upon the face or front thereof,there also appeared a notice in the words and figures following,viz.,"Copyright 1896,by Frederick Dielman."

4. That the copyright hereinbefore referred to upon the said design or painting has always been and now is the sole and exclusive property of your orator and is of great pecuniary value.

5. That the defendant well knowing the foregoing,within the term limited,viz.,on or about the 17th day of April,1899, contrary to the provisions of the Copyright Acts of the United States,and without the consent of your orator first obtained in writing in the presence of two or more witnesses,has sold and exposed for sale and is now selling and exposing for sale

copies of your orator's said copyrighted painting or design to the great and irremediable injury and damage of your orator.

6. That the said wrong and trespass of the defendant has been and is continuing in its nature and is irremediable by an action at law.

To the end, therefore, that your orator may obtain the relief to which he is justly entitled in the premises, he prays this Honorable Court to grant him due process of subpoena, directed to the said the R.H.White Company, the defendant herein, compelling it to appear and answer to this bill of complaint, but not under oath, the benefit of the oath to said answer being hereby waived, and that writs of injunction be granted restraining the defendant the R.H.White Company from selling or offering for sale any copy or reproduction of your orator's said copyrighted painting or design, and that the said defendant be similarly enjoined pending this suit.

And your orator further prays that a Master be appointed to examine and report upon the number and amount of sales made by the defendant of unlawful copies of your orator's said copyrighted article and the profits by the defendant received by reason of such unlawful sale, as well as the damages which your orator may have sustained in the premises, and that the defendant be decreed and ordered to pay over to your orator the amount of said profits and damages.

And that your orator shall have such other and further relief as to this Honorable Court shall seem meet and the nature of the case may require.

Patrick Dillman

Alex. P. Brown
of Counsel.

City and County of New York.

On this 18th day of April, 1899 appeared before me Frederick Dielman, the complainant in the foregoing bill of complaint, and made oath that the statements therein contained are true to the best of his knowledge and belief.

John Morris
Notary Public (84)
New York Co

1133

U. S. Circuit Court.
Dist. of Mass.

No. In Equity

Recorded

Frederick Dielman

v.

The R. N. White Co.

Bill of Complaint.

Clerk's fees $
3.50 Fil
5.25 S.E.
3.00 S.J.
4.00 Rec.
15.75

Subpa. issd. retble
June Rules,
to wit: June 5, 1899;
Sums. issd. retble
Tuesday. April 25, 1899
at 10 A. M.

CIRCUIT COURT OF THE UNITED STATES.

District of Massachusetts.

** ** ** **

FREDERICK DIELMAN v. R. H. WHITE COMPANY	In Equity No. 1133.

** ** ** ** **

Testimony on Behalf of Defendant.

Stipulation.

It is stipulated and agreed that the testimony on behalf of the defendant may be taken before Edward Russell Coffin, a Notary Public in and for the Commonwealth of Massachusetts, as Special Examiner under the Sixty-seventh Rule in Equity of the Supreme Court of the United States as now amended.

Alex A Brown

for Complainant.

Lui, Richardson & Storrow

for Defendant.

CIRCUIT COURT OF THE UNITED STATES.

District of Massachusetts.

FREDERICK DIELMAN v. R. H. WHITE COMPANY.	IN EQUITY, No. 1133.

EVIDENCE FOR DEFENDANT.

Taken pursuant to the Sixty-seventh Rule of the Supreme Court of the United States, in Equity, as Amended, before me,

Special Examiner.

40 Water Street, Boston,

January 29th, 1900.

Present:—

Alexander P. Browne, Esq., of counsel for complainant.

James J. Storrow, Esq., of counsel for defendant.

Stipulation.

It is stipulated and agreed that the affidavit of Bernard R. Green and that of the affidavit of Elliott Woods so much as precedes and includes the words "annoyance to the members of Congress or others," filed by the defendant on motion to dissolve the preliminary injunction shall constitute part of the defendant's record for the final hearing in the above-entitled case, and the same may be used at the hearing by either party with the same force and effect as if testimony to the same effect had been taken in accordance with the Sixty-seventh Rule in Equity of the Supreme Court of the United States as now amended.

Alex. P. Browne
Counsel for Complainant

Fish, Richardson & Storrow
Counsel for Defendant.

Deposition of Wilbur L. Wright.

Wilbur L. Wright, a witness called on behalf of the defendant, doth depose and say, in answer to interrogatories propounded to him by James J. Storrow, Esq., as follows:—

Int. 1. What is your name, age, residence, and occupation?

A. Wilbur L. Wright, forty, 1439 Huntington Place, Washington, D. C.

Int. 2. What was your occupation at the time this suit was brought, and what is your occupation now?

A. At the time this suit was brought I was a publisher; at the present time, a designer.

Int. 3. At the time this suit was brought, were you in business by yourself, or in partnership with another?

A. I was in partnership with Mr. James M. Morrison, of Washington.

Int. 4. Please look at complainant's ~~xxx~~ exhibit defendant's photograph, and state, if you know, who published that photograph?

A. This photograph was published by Columbian Art Publishing Co., of Washington, D. C.

Int. 5. Who was the Columbian Art Publishing Co.?

A. It was the name under which myself and Mr. James M. Morrison carried on our business.

Int. 6. Please state who took the original negative from which this complainant's exhibit defendant's photograph has been reproduced?

A. The negative was made by Mr. J. M. Morrison, with my assistance.

Int. 7. Where is the Mosaic located from which you and Mr. Morrison took this "Defendant's photograph"?

A. It is located in the north end of a room designated as the "House of Representatives Reading-Room" in the Library

of Congress Building, at Washington, D. C.

Int. 8. Please state a little more specifically just what part of the room this Mosaic is located in?

A The Mosaic represented in this picture is part of a marble mantel-piece located over the fireplace.

Int. 9 Have you ever seen the original sketch or picture from which this Mosaic was made?

A I have not.

Int. 10 At the time you and your partner, Mr. Morrison, photographed and published this portion of the wall of the House Reading-room, represented by this "Defendant's photograph" did you photograph any other portions of the Congressional Library, and publish such photographs?

(Objected to ~~ex~~ as immaterial.)

A Our catalogue contained one hundred and forty-nine numbers pertaining to the Congressional Library.

Int. 11 Please state a little more specifically some of the portions of the Congressional Library from which these 149 photographs were taken?

(Same objection.)

A The 149 numbers in the catalogue comprise reproductions of bronze fountain on the exterior of the building, bronze doors at the entrance to the building, parts of the marble stairway, and various mural decorations within the building.

Int. 12 Has your firm photographed and published the mural decorations of any other public buildings besides the Congressional Library?

(Same objection.)

A We have.

Int. 13 Please specify.

(Same objection.)

A Among the other buildings were the Capitol at Washington, and Public Library in Boston.

Int. 14 How long have you lived in Washington?

A About ten years.

Int. 15 Do you know what the custom of the Government has been in regard to permitting or refusing permission to the public to take photographs of its public buildings in Washington?

(Objected to as immaterial and incompetent.)

A It has been the custom to allow the public to freely photograph the buildings, exteriorly and interiorly, or any works of art that may interest the public, so long as it did not interfere with the working of the offices of the Government.

Int. 16 How long has this been the custom of the Government, to your knowledge?

A As long as I have lived in Washington it has been the custom.

Int. 17 Can you state just what have been the rules of the government in regard to taking photographs inside or outside of the Congressional Library since that building has been completed?

(Same objection.)

A Since the opening of the building to the public, it has been the custom to allow any one to freely photograph any part of the Congressional Library, so long as it did not interfere with the uses of the library.

Int. 18 What is the rule of the government in regard to taking cameras or other articles into the Congressional Library?

(Objected to as immaterial and incompetent.)

A The rules of the Congressional Library are that any packages, parcels, carried by the public into the building must be left in the custody of an officer in charge at the door. The exception to the rule is in the case of cameras, which the public are allowed to carry in, use freely, and take out of the building without inspection; in fact, the only thing that can be taken in and out without inspection.

Int. 19 Who is the government officer in charge of the Congressional Library?

A Mr. Bernard R. Green.

Int. 20 Just what is Mr. Green's position?

A He is engineer and superintendent in charge of the building, an office to which he succeeded after acting as engineer in immediate charge of the construction of the building.

Int. 21 Did you see Mr. Green, or make any application to him, at the time you and your partner were taking these photographs of the Congressional Building, including this exhibit "Defendant's Photograph?"

(Objected to as immaterial.)

A I did.

Int. 22 What sort of an application did you make to Mr. Green?

(Objected to as immaterial.)

Counsel for complainant, finding in the affidavit of this witness heretofore made in this case, certain statements of the witness as to a conversation between ~~xxxxxxxxx~~ himself and Mr. Bernard R. Green, with reference to this matter of the photographing by the defendants and others of pictures in the Congressional Library, marked with a copyright notice, gives notice to counsel for the defendant that he shall object to any testimony of this witness, or others, as to what was said to him or them, the same being hearsay and incompetent. He also gives further notice that if testimony as to such statements by Mr. Green be offered, coming from any person other than Mr. Green himself, motion will be made at some convenient time to strike the same from the record, for the reasons above given.

A I called on Mr. Green and expressed a desire to be given the privilege of access to the building at any time that the light might be proper to reproduce the objects of art and mural decorations of the building. He called a watchman of the building, issued an order to him ~~xx~~ that the Columbian Art Publishing Company's photographers and assistants should be admitted to the building at any time, and gave ~~xx~~ a special permit for Sundays and holidays.

Int. 23 Why did you ~~xx~~ desire to have access to the Library on Sun-

days and holidays?

A The object of access to the building on Sundays and holidays was that many of the pictures are located in narrow corridors and the use of the staging from which we took our photographs would sometimes interfere with the passage of visitors, and very often xxx the light would be better on certain days than others, and we wished to have command of as many days in the week as possible.

Int. 24 Did you notice that this Mosaic on the wall of the House Reading-Room was marked "Copyright" before you took the photograph which is xx here in evidence as "Complainant's Exhibit Defendant's Photograph"?

A I did.

Int. 25 Did you call Mr. Green's attention to the fact that this Mosaic was marked "Copyright" before you obtained his permission to photograph it for the purposes of publication?

(Objected to. The witness has not yet testified that he obtained anybody's permission to photograph anything for purposes of publication.)

Int. 26 In view of Mr. Browne's objection, I will ask if, in making your application to Mr. Green, as the engineer in charge of the Congressional Library, to be allowed to erect your staging in the Library and to have access thereto on Sundays and public holidays, you stated that you intended to reproduce and sell your photographs?

A At the time we made the request for admission to the building, I stated to Mr. Green that we proposed to publish and sell reproductions of the decorations.

Int. 27 Now, please state whether in making your application to Mr. Green, as the government officer in charge of the Congressional Library, to photograph and publish these Dielman Mosaics, you called his attention to the fact that the Dielman Mosaic here represented by xxx Complainant's

Exhibit Defendant's Photograph, was marked "Copyright"?

A I did.

Int. 28 In view of the fact that you spoke to Mr. Green on the word "Copyright" which appeared on this Dielman Mosaic, did he, as the government officer in charge, express any opinion as to the right of the government to permit you to photograph this Dielman Mosaic and to publish the photographs?

(Counsel for complaint objects to this inquiry, first, because it indirectly calls for hearsay evidence, and he renews his notice in regard thereto; secondly, because he submits that if any opinion upon the matter inquired on was asked or given, it was the opinion of a layman on a question of law, and is therefore wholly incompetent and immaterial to any issue in this case, or any other case.)

A I called Mr. Green's attention to the fact that this Mosaic of Law and other decorations were marked with the word "Copyright," and asked him if the artist represented in the building had any contracts from him as a representative of the government which would vest the right of copyright in the artist. He answered that there were no such contracts, and that he considered that he had a perfect right to grant us the privilege of reproducing them, and that we would be entitled to publish and sell them, if we chose.

Int. 29 Please look at the catalogue to which I now call your attention, which is entitled "Washington Prints, Published by the Columbian Art Publishing Co.," and state, if you know, what that catalogue is and who published it?

A This catalogue is the proper catalogue of the Columbian Art Publishing Company, and contains the numbers which relate to the reproductions of the mural decorations, etc. in the Congressional Library. This catalogue is copyrighted in my name, as were also all the negatives

which are represented in the catalogue.

(Counsel for defendant offers in evidence the catalogue referred to by the witness, and said catalogue is marked "Defendants Exhibit Columbian Art Publishing Company Catalogue. E. R. C. Sp. Ex.)

Int. 30 Apart from the mural paintings, how many of these Mosaics are there in the Congressional Library?

A There are three Mosaic formal pictures.

Int. 31 Were any of these three designed by any other artist than Mr. Dielman?

A Two of the three are by Mr. Dielman; the third one, called "The Minerva of Peace," is by Mr. Elihu Vedder.

Int. 32 Is the Vedder Mosaic marked "copyright"?

(Xxxx Objected to as immaterial.)

A It is not marked "Copyright."

Int. 33 Do you know who is conducting the defence in this suit?

A The defence is being conducted by a firm trading as the Alfred S. Campbell Art Co., of Elizabeth, N. J.

Int. 34 Are you interested in this Campbell firm in any way?

A I am not.

Int. 35 Have you and Mr. Morrison sold out your business relating to these photographs?

A We have. We sold the negatives and copyright privileges to the Alfred S. Campbell Art Co., of Elizabeth, N. J., a short time after this suit was begun.

Int. 36 So that at the present time you have no interest in this litigation?

A I have no interest in it.

CROSS-EXAMINATION BY MR. BROWNE.
(de bene esse.)

X Int. 1 You gave your present occupation as designer?

A Yes.

X Int 2 In what class of work?

A Picture-frames and picture-moldings.

X Int 3 With what concern, if any, are you now employed?

A With the Baltimore branch of the Alfred S. Campbell Art Company.

X Int 4 Did you go into the employ of that concern at or about the time that you sold your negatives and copyrights to them, as stated?

A I became designer for them immediately after the selling of the negatives to them.

X Int 5 Do you ever travel for the Campbell Company, taking orders?

A I do not.

X Int 6 Will you tell me about how many separate subjects of paintings, including the Dielman Mosaics, are included in the catalogue produced by you on direct examination? And about how many of ~~these~~ the originals of these bear a copyright notice? I am speaking of the subjects in the Congressional Library.

A I should have to look over our catalogue somewhat carefully to do this. I couldn't tell you about the copyrights without walking around the building and making a record.

X Int 7 It is a fact, is it not, that a very large proportion of the pictures, using the term in its ordinary sense, are marked "Copyright"?

(Question objected to as vague.)

A I should say that the larger number of them are marked "Copyright."

X Int 8 Your catalogue also refers to your reproduction of some mural pictures, or decorations, in the Boston Public Library, and you spoke of the same in your direct examination. I do not find in your catalogue any reproductions of the freize by E. A. Abbey in the delivery-room. Did you ever make application for permission to reproduce this frieze?

or have application therefor made by any one in your behalf?

A Not to my knowledge.

X Int 9 Can you tell me why such an important subject was overlooked by you?

A Probably not thought worthy of reproduction. I should say, not thought commercially desirable.

(Recess till 2 P. M.)

X Int. 10 As a matter of fact, were your photographic reproductions of the Boston Public Library building made from the subjects themselves?

A ~~Yes, from the originals~~. We intended to make them from the original, but I found on investigation that the only ones that we desired to reproduce had become common public property. I went to a friend of mine in Boston and bought a copy of the ones that ~~xxxxxxxxxxxx~~ we wished to reproduce and we made our negatives from his picture.

X Int 11 Is Mr. Bernard R. Green still superintendent of the Congressional Library?

A He is.

X Int 12 You have spoken of photographs being taken of works of art in the Capitol at Washington. Have you and Mr. Morrison or the Columbian Art Publishing Company, made and published such photographs? I do not find them in the exhibit catalogue.

A We published reproductions of a number of pictures from the Capitol at Washington, which do not appear in that catalogue. Among them I will mention portraits of Washington by Rembrandt Peale and Gilbert Stuart. The original by Peale being in the room known as the Vice President's room.

X Int 13 Is either of the pictures you mention copyrighted?

A No.

X Int 14 Do you know of any copyrighted pictures in the Capitol?

A I know of one at the present time in the Capitol, not owned by the government.

X Int 15 What picture is this?

A It is called "Peace"; a marine painting. I don't know the name of the artist.

X Int 16 You have spoken of consulting with Mr. Green as to his opinion concerning your right to reproduce copyrighted paintings in the Congressional Library. Did you ever apply to the artist or the agent of the artist in any case, to ascertain his opinion on this point?

A Before publishing these pictures, I investigated to the best of my ability the rights of the artist in the case; found that the consensus of opinion by experts in matters of this kind is that a picture sold to the government is not entitled to copyright protection. On the assurance of Mr. Green, we took the photographs.

X Int 17 Then you did not apply to the artists or their agents?

A We did not.

X Int 18 Did you obtain this consensus of opinion of experts in matters of this kind before or after you obtained Mr. Green's assurance on the subject?

A I was very careful to be sure of my rights in the case, and also as to the Government's rights to grant me the privilege of reproduction, ans secured opinions before, and perhaps some after Mr. Green's permission to reproduce them.

X Int 19 Then when you photographed various pictures in the Congressional Library, which bore the copyright notice, including the Dielman "Law", now particularly in controversy, you knew, did you not, that the artists of those va-

rious pictures claimed the exclusive right of their reproduction?

A I shall have to refer to the plaintiff's catalogue. I will answer by saying that I had no knowledge of any claims made by the artists of the originals, ~~xnxxinxfnxtx~~ and, in fact, found that although some of them were marked "Copyright," they were not copyrighted in the year marked on the picture.

X Int 20 Did you make this discovery with reference to Dielman's "Law"?

A This does not apply to Dielman's "Law."

X Int 21 You say you had no knowledge of any claim made by the artists of the originals. When you saw on the Dielman Mosaic the inscription "Copyright, 1896, by Frederick Dielman," didn't that convey to you the idea that he claimed copyright therein?

A When I see a painting, or other work of art, marked "Copyright," it only signifies to me that the artist has the privilege of placing the word "Copyright" on his work of art, thus enabling him, if he does not exhibit the original before reproducing it, to maintain a copyright secured at a later date.

X Int 22 When you saw on Mr. Dielman's Mosaic the inscription "Copyright, 1896, by Frederick Dielman," did you not get any idea from that statement except that the work was one which was not exhibited, whereas, as a matter of fact, it was exhibited? In other words, I do not perceive the coherence of your last answer.

A ~~Thexxxxxxxxxxxxxxxxx~~ The copyright "~~Lxxx~~ law says distinctly that an artist may place the word "copyright" on his work of art without violating the law, provided that ~~xx~~ if he publishes reproductions of it, that he does have it duly copyrighted on the day or before the day of publication. Hence

the word "Copyright" on an original work of art does not, in fact, signify that it is copyrighted.

X Int 23 When you consulted Mr. Green and the experts as to your right to reproduce pictures bearing a copyright notice, didn't you suppose that some one claimed the exclusive right of reproducing those pictures, and that there was a question whether you had a right to reproduce ~~xkxxx~~ them, in view of that claim?

A After securing opinions, which embraced copyright experts, and officers of the government, I considered that I had a perfect right to reproduce the property of the people of the United States.

X Int 24 And the reason why you consulted these authorities as to your right to reproduce these pictures, was because you knew that some one claimed that you had no such right, was it not?

A The reason why I investigated the matter was because I had no desire or inclination to trespass on the rights of any one.

X Int 25 And you knew, therefore, that there was a question as to whether you would be trespassing on some one's rights, and submitted this question to the experts you speak of? And to Mr. Green?

A I have not admitted, nor will I admit, that there was a question about the right of any one to reproduce the originals as found in this building. I only desired, in consulting with experts and obtaining opinions, that there should be no question about it.

X Int 26 Do you mean that the questions you submitted to these experts were purely ethical questions?

(Objected to as vague; it not appearing what counsel means by "ethical".)

A By the use of the word "ethical" in your question, I cannot give you an answer.

X Int 27 Coming to the practical side of the matter, is it not a fact that before you began to photograph the copyrighted pictures in the Library of Congress, you called upon Messrs. Curtis & Cameron, publishing agents of a number of the authors of such pictures and had a talk with them concerning your proposed reproductions thereof?

A I did not call upon them before the publication of the pictures in our catalogue.

X Int 28 Did you call upon them before this suit was begun?

A Yes.

X Int 29 Will you state as nearly as you can what occurred at that interview, and state first how you happened to call to see them?

A The prime motive was the fact that an employee of Messrs. Curtis & Cameron called upon me at a hotel in Boston, gave his name as Mr. Lang, of Dartmouth Avenue, said that he wished to purchase a picture from me entitled "Law" by Frederick Dielman. I thought at once that he was from Messrs. Curtis & Cameron's place, and put him down as a spy. I wanted to locate the young man, and being in the neighborhood of Messrs. Curtis & Cameron's place of business, thought I would call. I found the young man there, but he acknowledged that his name was not Lang. I then requested to see the proprietors, Messrs. Curtis & Cameron, and had a conversation with them. We had a short conversation, in which they told me they had, a day or two previous, sent out a circular letter to the trade warning them not to buy reproductions of the Congressional Library pictures, but not stating in their circular letter what parties they meant. They asked me if I thought I was not trespassing on their rights. I distinctly answered No. Nothing else

of importance pertaining to the case took place at this interview.

X Int 30 You never, I suppose, obtained any permission from Mr. Dielman to reproduce his "Law", did you?

A I did not.

X Int 31 You never applied to him for any such permission?

A I did not:

X Int 32 Did you ever apply to any artist whose work is in the Congressional Library for permission to reproduce such work?

A No, I did not.

X Int 33 And you have never paid, or offered to pay, any royalty to any person by reason of your reproduction of any pictures in the Congressional Library, have you?

A I will say that as a part owner and a citizen of the United States, I pay taxes. I have never paid nor offered to pay any royalty for the privilege to reproduce these pictures to an individual or the government.

Adjourned to Friday, February 16, 1900,
at 10 o'clock A. M.

AFFIDAVIT OF BERNARD R. GREEN.

I am of lawful age, and as superintending engineer I have had immediate charge of the construction of the Congressional Library at Washington, D.C. At present I hold the position of superintendent and engineer in immediate charge of the Library building, having my office in the Library building. At the time when the arrangements were being made for the mural decoration of the Congressional Library I wrote a letter to Mr. Frederick Dielman of New York, dated December 22, 1894, inviting him to accept a commission to-

> "paint, furnish and put in place complete two marble mosaic panels in the stone mantels of one of the Congressional Reading Rooms for the gross sum of four thousand dollars ($4,000.)"

In this letter, dated December 22, 1894, which I wrote to Mr. Dielman on behalf of the government, I said,-

> "Should you accept this commission you are requested to select for yourself and submit to this office as early as possible, say within two months, such appropriate subjects, different for the two mantels, as you may most desire to execute as a record of your art in this Building. A number of alternate subjects from which choice could be made would be better than a single subject .
>
> "Both allegorical and historical subjects may be considered.
>
> "After the subjects have been approved and adopted you will be desired to prepare and submit within the next two months thereafter sketches showing your general intention for their execution. When these are approved it is expected that you will enter upon the full size work and complete it within two years from the present date, that is to say, by December 31, 1896."

Mr. Dielman replied to me by letter dated December 27, 1894, saying,-

[illegible]

I am of lawful age, and am superintending another I have her legitimate claim of the construction of the Guarantee-Stones Library at Washington, D.C. At present I hold the position of superintendent and engineer in immediate charge of the Library building, having my office in the Library building. In the case when the arrangements were being made for the actual discussion of the Congressional Library I wrote a letter to Dr. Synderick Dickson of New York, on the December 24, 1896, inviting him to accept a commission in-

"point, Tomlin who put it plane concrete can nothing monaic panels in the stone material of one of the Guarantee-stones Reading Room for the gross sum of four hundred dollars (£4,000.)"

In this letter, dated December 24, 1896, which I wrote to Dr. Dickson on behalf of the government, I said,-

"Should you accept this commission you are requested to sign, for yourself and submit to this office an artistic model, for finishing the panels, two alternate subjects, different for the two models, do you not desire to submit to examine as a sketch of your art in this building. A number of statuesque subjects from which another panel made would be better than a single subject .

"Both allegorical and historical subject may be considered

"After the subjects have been approved you a sketch will be desired to prepare and submit which can best be monis the metallic sketches showing your conceptions. Detailed for their execution. When these are approved it is expected that you will enter upon the full size work and complete it within two years from the present date, that is to say, by December 24, 1900."

Mr. Dickson replied to me by letter dated December 27, 1896, saying,-

"I beg to say that I accept with pleasure the above commission and that I shall use every endeavor to furnish designs that I shall be glad to have on record as examples of my art and that shall be worthy of the building and the other decorative work within it.

I shall take the matter in hand at once and within the specified time will send suggestions for subjects."

On February 14, 1895, Mr. Dielman wrote to me as superintendent and engineer in charge that-

"After having considered maturely a number of subjects for the two panels in mosaic to be placed over the marble mantels in the Congressional reading room (W.S.C.) of the Library of Congress,"-

he submitted certain general suggestions in writing describing the general manner in which he proposed to design the mosaics. On February 15, 1895, I replied to Mr. Dielman saying that the suggested designs in his letter struck-

"this office very favorably, especially the first pair which you describe. We should like to have you submit sketches of them."

On March 30, 1895, Mr. Dielman wrote me, saying in the course of his letter,-

"I am now engaged on the designs for the cartoons and shall send you color sketches in course of the coming month."

On April 1, 1895, I wrote to Mr. Dielman on behalf of the government, formally closing the agreement with him for these two mural decorations in the Congressional reading room, my letter being as follows:-

"Washington, D.C., April 1st,1895.

Mr. Frederick Dielman,
1512 Broadway, New York, N.Y.

Please furnish for this building, deliver and put in place complete, two mosaic panels of translucent glass tesserae in the two marble mantels of the W.S.C. Congressional Reading Room, in accordance with the letter of

December 22nd, 1894, from this office and your letter of March 30th, 1895, for the gross sum of four thousand dollars, ($4,000.)

Bernard R. Green,
Superintendent and Engineer."

On May 9, 1895, Mr. Dielman wrote me a letter in which he said,-

"I send by express this afternoon to your address some sketches to give a general idea of how I propose to treat the two panels and mosaics over the mantels in the Congressional Reading Room."

On May 17, 1895, wrote to Mr. Dielman, as superintendent and engineer of the building, a letter saying,-

"Your letter of the 9th instant and the sketches (three in number) of your proposed mosaics for the mantels of the W.S.C. Congressional Reading Room for this Building, were duly received.

"I am happy to inform you that the sketches, as explained and elaborated by your letter, are very satisfactory and that we anticipate a most creditable result. The sketches are returned to your address by Adams Express prepaid.

"Trusting that you will be able to go on and complete the work to the full satisfaction of all concerned, I remain,

"Very respectfully,
"Bernard R. Green,
"Superintendent and Engineer."

Between this letter of May 17, 1895, and the final completion and setting in place of these mosaics I wrote to Mr. Dielman some sixteen letters, my total correspondence with Mr. Dielman relating to these mosaics extending over the time from December 22, 1894, to January 14, 1897, and during that time I find that I wrote to Mr. Dielman some twenty-four letters, and Mr. Dielman wrote to me some eighteen letters.

During the time that the agreement was being made with Mr. Dielman relating to these mosaics for the Congressional reading room, I had no personal interviews with Mr. Dielman, but

December 22nd, 1946, from this office and your letter of June 20th, 1945, for the grand sum of four thousand dollars. (4,000.)

Sincerely yours,
Edward R. Murrow,
Correspondent and Director."

On July 9, 1947, Mr. Fitzpatrick wrote a letter in reply as follows:-

"I was by no means full citizens in your country soon enough to give a personal look at you I propose to visit the Mr. Murrow's country over the weight in the "Murrow-Blond Theatre Show."

On May 17, 1947, a letter to Mr. Fitzpatrick on behalf of Mr. Murrow had mailed at the studio, a letter reading:-

"Your letter of the 20th instant and the Postcard (there is nothing of your personal nature) for Mr. Murrow of the C.B.S. Corporation, reaching here for this reason, have been received.

I am sure, in letting you know that the enclosure is addressed and mailed to your letter, Mr. Murrow would be delighted to receive the satisfaction and pleasure of your company to where Mr. Murrow resides.

"Perhaps that you will be able to do so and consider the work of the Corporation if you observe, I remain,

Very respectfully,
Edward R. Murrow,
Correspondent and Director."

Between that letter of May 17, 1947, and the final confirmation was waiting in place of those months I wrote to Mr. Murrow and thanks Daniel, an total correspondence with Mr. Murrow solicitor to whose mailing address for the first December 7th, 1948, to January 11, 1949, and during that time I have had I wrote to Mr. Murrow twice -four letters, and Mr. Murrow wrote to me once additional letter.

During the time that the department was [illegible] Mr. Murrow relative to [illegible] for the [illegible] meeting, I was in personal interview with Mr. Murrow, for

conducted the negotiations wholly by letter, concluding the agreement by my formal letter of April 1, 1895, to which I have already referred, and the correspondence between Mr. Dielman and myself, as the representative of the government, contains all the agreement entered into between the government and Mr. Dielman relating to making and furnishing these mosaics to the government by Mr. Dielman.

My understanding with Mr. Dielman was that he was commissioned by the government to furnish two mosaics for the gross sum of $4000- one of "History" and one of "Law"- from original designs to be especially made by him for the government, and the said designs to be submitted to the proper government agent for approval. Nothing whatever was said about reserving any right to Mr. Dielman to copyright these two mosaics which were to be furnished to the government, nor did I, in making the contract, understand that the government was to be prevented from making any photograph or other reproduction of the mosaics if it so desired, or that any person whom the government might commission or permit to make reproductions of the mosaics should be prevented from so doing by Mr. Dielman or any one acting in his behalf. When the mosaics were brought into this country from Venice, where the actual work of making the mosaics was performed, I obtained for Mr. Dielman, at his request, an order from the Secretary of the Treasury, admitting the mosaics of Mr. Dielman free of duty, on the ground that the mosaics were works of art intended for the government.

On November 19, 1896, before the two mosaics were completed and in place in the reading room, I sent Mr. Dielman

[illegible] the negotiations solely by letter, notifying the [illegible] by my formal letter of April 1, 1957, to which I have already referred, for the correspondence between Mr. Dielman and myself, we have requested[illegible] of the government, containing all the agreement entered into between the government and Mr. Dielman relating to making and furnishing these models to the government by Mr. Dielman.

My understanding with Mr. Dielman was that he was interested by the government to furnish two models for the price sum of $4000- one of "Galaxy" and one of "Sky"- from original drawings to be separately made by him for the government. And the said models to be submitted to the government [illegible] for approval. Nothing whatever was said about patents and rights to Mr. Dielman to accumulate these two models which were to be furnished to the government, nor did I, in making the contract, understand that the government was to be provided from making any photographs or other representation of the models if it so desired, or that any person also the government which [illegible] or [illegible] in some representations of the models should be furnished free of charge by Mr. Dielman or any one acting in his behalf. When the models were brought into this country from Venice, where the actual work of making the models was performed, I obtained for Mr. Dielman, at his request, an order from the Secretary of the Treasury admitting the models of Mr. Dielman free of duty, on the ground that the models were works of art intended for the government.

On November 14, 1958, before the two models were finished and in place in the rotunda room, I sent Mr. Dielman

$1900, as part payment of a total of $4000, which was to be paid when the two mosaics were delivered to the government.

It is now, and always has been, the custom of those in charge of the library and building to permit all persons to freely view and photograph the mural decorations.

BERNARD R. GREEN.

AFFIDAVIT OF ELLIOTT WOODS.

I am of lawful age, and, as chief clerk of the architect of the United States capitol, I have immediate charge of the regulations relating to the admission of visitors to the capitol. It has been the practice, for many years, to permit any visitor at the capitol to take such photograph as he might desire during the hours when the building was open, provided, of course, that the taking of the photograph does not in any way intrude upon members of Congress, or other persons officially engaged in the building. In order to make sure that no annoyance of this sort is occasioned by visitors, it has been the practice of this office to require persons desiring to make photographs to apply at this office for a permit, but this permit is always granted as a matter of course, provided it is clear that the person does not desire to take the photograph of such a place at such a time as will cause annoyance to members of Congress or others.

ELLIOTT WOODS.

VIOLATION OF SIGHT MODE.

I am of little use, only as a brief view of the situation of the United States capitol, I have consulted owners of the regulations relating to the admission of visitors to the capitol. If our case is exceptive, for many years, to several an visitor at the capitol to take some photograph as he might desire during the hours when the building was open; provided, of course, that the taking of the photograph does not in any way interfere upon business of congress, or other persons officially employed in the building. In order to make sure that no violation of this act is committed by visitors, it has been the practice of this office to station uniform officers to take photographs to apply actions, free for a period, but subsequently to charge related as a matter of course. Recently it is clear that the person who not desire to take the photograph of such a piece of work a lot so will cause inconvenience to members of congress or others.

SIGHT MODE.

CIRCUIT COURT OF THE UNITED STATES.

District of Massachusetts.

In Equity.

.....

FREDERICK DIELMAN

v.

R. H. WHITE COMPANY .

.....

STIPULATION.

It is stipulated and agreed, by and between counsel for the respective parties, that the deposition of Wilbur L. Wright was taken on behalf of the defendant in the suit of Frederick Dielman vs. R. H. White Co., in pursuance of the agreement of counsel, before Edward Russell Coffin, a notary public within and for the Commonwealth of Massachusetts, as special examiner at Boston, in the County of Suffolk and Commonwealth aforesaid; that the said deposition was taken on the 29th day of January, 1900; that said witness was by the said Coffin duly sworn to tell the truth, the whole truth and nothing but the truth; that the testimony of said witness was written out on a typewriter by skilled operators in his presence; that the opposing party was represented by counsel during the taking of said testimony; that by agreement of counsel testimony was taken in the absence of said Coffin; and that said Coffin is not connected by blood or

marriage with either of said parties nor interested directly or indirectly in the matter in controversy.

And it is further stipulated that, since the taking of said deposition, the said Coffin has departed from the United States and is now absent in Europe, and therefore is unable to certify to the taking of said deposition as above set forth, and the signature of and certification by said Coffin is hereby waived; and that the said deposition may be offered in evidence on behalf of defendant and printed as part of defendant's evidence, and the same may be used at the hearing, by either party, with the same force and effect as if the same had been duly certified to and signed by the said Coffin, in accordance with the 67th Rule in Equity of the Supreme Court, as now amended.

Alex. P. Browne

Counsel for Complainant.

Frick, Richardson & Storrow

Counsel for Defendant.

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Circuit Court of the United States
District of Massachusetts
In Equity No 1133

Frederick Dilman
vs
R. H. White Co

Evidence for
Defendant.

Lib. Richardson & Storrow

Circuit Court of the United States,

District of Massachusetts,

In Equity.

Frederick Dielman

v.

The R.H.White Company.

Bill of Complaint.

Affidavit of Benjamin Curtis.

Benjamin Curtis of lawful age,being duly sworn deposes and says:

I am,and for some years last past,have been in business as a manufacturer and publisher of photographic reproductions of copyrighted works of art under contract with the owners of such copyrights. On or about August 31,1896,by direction of Frederick Dielman of the City of New York,a well known painter who was then engaged in painting certain paintings or designs to be afterwards reproduced in mosaic upon the walls of the then so called New Library of Congress at Washington,I caused to be deposited within the mails within the United States,to wit,at Boston,Massachusetts,a description and photograph of one of said paintings entitled"Law",directed to the Librarian of Congress,Washington,D.C.,together with one dollar,fee for recording the same,and for certificate of record. I did this as the agent and at the request of,and under my contract with,

the said Dielman.

Subsequently, I received from the Librarian of Congress a certificate, number 49067 B, which I annex hereto, and which refers to and acknowledges the receipt of the said description and photograph. Said deposit and copyrighting was prior to the day of the first publication of the said picture in this or any foreign country, and the copyright notice "Copyright 1896 by Frederick Dielman" was duly placed upon the said picture and every copy thereof, long prior to its first publication, and a similar notice has been put upon every copy of the photographic reproduction thereof published by my firm. I have examined the photograph annexed to the affidavit of F. Proctor Moore herein. It is a photograph from the original mosaic reproduction of the said copyrighted painting, and is, in my opinion, much inferior in workmanship to the only authorized photographic reproduction, which is made by my firm with royalty arrangement with Mr. Dielman, the owner of the copyright, and a copy of which I produce herewith and mark with my initials to be made an exhibit herein.

Benjamin Curtis

State and District of Massachusettss,

Suffolk, ss.

Subscribed and sworn to before me at Boston, this 26th day of April, 1899.

Herbert W. Barnes

Notary Public.

No. 49067 B. **Library of Congress,**

Copyright Office, Washington.

To wit: **Be it remembered,**

That on the 31st *day of* August, *1896,* Frederick Dielman, *of* New York, *has deposited in this Office the title of a* Design *the title or description of which is in the following words, to wit:*

Law
Design for mosaic decoration in the New Library of Congress.

Des. & photo. on file.

the right whereof he *claims as* designer and proprietor *in conformity with the laws of the United States respecting Copyrights.*

A R Spofford

Librarian of Congress.

1133

U. S. Circuit Court.
Dist. of Mass.
No. In Equity.

Frederick Dielman
v.
The R. H. White Co.

Affidavit of
Benjamin Curtis.

CIRCUIT COURT OF THE UNITED STATES,

District of Massachusetts.

Frederick Dielman	:	
	:	No. 1133,
vs.	:	In Equity.
	:	
The R. H. White Company	:	

DEFENDANT'S COSTS

Travel 5 terms at $.33	$1.65		
Att. " " " .33	1.65		
Travel 3 " " .33	.99		
Att. " " " .33	.99		$5.28
Attorney fee: In cause	20.00		
On 4 deps. at $2.50	10.00		30.00
Printing record on motion to dismiss injunction			54.00
Directing record			8.64
Examiner's fees			15.20
Witness fees			44.70
Certified copies put in evidence			6.00
Copy opinion			5.00
Brief			21.25
			$190.07

Taxation approved as above
Alex. P. Brown
Sol. for Complt.

June 12, 1901 - Costs in above case taxed by me
Boyd W. Bradlee
Deputy Clerk

1133

Dielman
v
R. H. White Co

Costs.

UNITED STATES CIRCUIT COURT,
DISTRICT OF Massachusetts } IN EQUITY.

Frederick Dielman

vs.

The R. H. White Company,

The Replication of Frederick Dielman, *Complainant*,

to the *answer of* The R. H. White Company, *Defendant*.

This repliant, saving and reserving unto himself all and all manner of advantage of exception to the manifold insufficiencies of the said answer, for replication therennto says, that he will aver and prove his said bill to be true, certain and sufficient in the law to be answered unto; and that the said answer of the said defendant is uncertain, untrue and insufficient to be replied unto by this repliant; without this, that any other matter or thing whatever in said answer contained, material or effectual in the law to be replied unto, confessed and avoided, traversed or denied, is true.

All which matters and things this repliant is and will be ready to aver, maintain and prove; and humbly pray as in and by his said bill he has already prayed.

By his Solicitor,

Alex. P. Brown Jr.

This replication may be filed.
Lisk, Richardson, Slocum & Slocum
Solicitors for Defendant.

1133

U. S. Circuit Court,
Dist. of Mass.
In Equity.
Frederick Fielman
v.
The R. H. White Co.

Replication

CIRCUIT COURT OF THE UNITED STATES.

District of Massachusetts.

In Equity.

FREDERICK DIELMAN,	
v.	No. 1133.
R. H. WHITE COMPANY.	

Answer of the Defendant, R. H. White Company to the Bill of Complaint of Frederick Dielman.

This defendant, reserving to itself all right of exception to any and all matters contained in the said Bill, makes answer thereto or to so much thereof as it is advised is material to be answered, as follows:-

(1) The defendant admits that it is a corporation duly organized under the laws of the State of Massachusetts, and doing business at Boston in the said State and District.

(2) The defendant does not know and leaves the complainant to make proof that the complainant deposited or caused to be deposited in the mail within the United States, a description and photograph of the design or a painting entitled "Law", addressed to the Librarian of Congress, at Washington, D. C., together with the sum of one dollar, long prior to the date of the first publication of the said painting, or design, in this or any foreign country. The defendant denies, upon information and belief, that upon the face

or front of the said painting, long prior to the publication thereof, and subsequent to the copyrighting thereof, he placed the following copyright notice, viz.: "Copyright 1896, by Frederick Dielman."

(3) The defendant does not know and leaves the complainant to prove that the said painting was sent to Italy and that a reproduction was there made in mosaic at the direction of the complainant, which said reproduction in mosaic was subsequently sent to the United States and set in place upon the wall of the new Library of Congress, and that upon the face or front of the said reproduction in mosaic of the said painting, there also appears the following notice, viz.: "Copyright 1896, by Frederick Dielman."

(4) The defendant denies that the complainant's alleged copyright in the said design or painting has ever been or now is the sole or exclusive property of the complainant, and the defendant denies that the complainant has or ever has had any equitable right, title or interest therein.

(5) The defendant further avers, upon information and belief, that the complainant made an agreement with the Government of the United States whereby he promised, in consideration of the payment of $4,000, to furnish, paint and put in place in the said Library of Congress two mosaics including the aforesaid mosaic alleged by the complainant to be a reproduction of his said design or painting entitled "Law"; and the defendant further avers upon information and belief that, in accordance with the terms of the said agreement, the complainant furnished, painted and put in place in the said Library of Congress, the said two mosaics and that the Government of the United States paid the complainant the sum of Four Thousand (4,000) Dollars; and the defendant further avers upon in-

formation and belief, that by virtue of the said agreement under and in accordance with the terms of which the complainant was employed and paid by the Government of the United States to make and furnish the said mosaics for the said Library of Congress, the Government of the United States became and is possessed of and entitled to the sole and exclusive right and liberty of publishing, copying and vending the same; and the defendant further avers, upon information and belief, that the said agreement is wholly contained in the correspondence which passed between the complainant and Bernard R. Green, formerly superintending engineer of the construction of the Library of Congress and now Superintendent and Engineer in immediate charge of the building, Library of Congress, a certified copy of which correspondence the defendant will produce in court and the defendant prays that the same may be taken to be a part of this answer.

(6) And the defendant denies that it has ever sold copies or reproductions of the said painting or design made by the complainant, but the defendant admits that it has sold photographic reproductions of the said mosaic alleged by the complainant to be a reproduction of his said design or painting entitled "Law"; and it further avers, upon information and belief, that the said photographic reproductions of the said mosaic were made with the specific consent and license of the said Bernard R. Green, representing the Government of the United States.

(7) And the defendant further denies the materiality or relevancy of the various averments of the complainant's Bill hereinbefore answered by him; and avers that the said Bill does not set forth any valid copyright belonging to the said complainant or

any exclusive right whatever to any ~~copyright~~ on the part of the said complainant and the defendant avers that no acts of the said defendant are set forth in the said Bill which are an infringement upon any rights of said complainant; and the defendant does not admit, by answering the various allegations in the complainant's Bill contained, that said allegations if proved would be sufficient to cause the Court to grant the relief prayed against the said defendant.

(8) And the defendant denies all and all manner of unlawful intent or acts wherewith he is by the said complainant's Bill of Complaint charged, without this, that there is any other cause or thing in the said Bill contained, material or necessary for the defendant to make answer unto, and not herein and hereby well and sufficiently answered, admitted, traversed, denied or confessed and avoided, is true to the knowledge or belief of the defendant; all of which matters and things the defendant is ready and willing to aver, maintain and prove as this Honorable Court shall direct, and prays to be hence dismissed with reasonable costs and charges in this behalf most wrongfully sustained.

Fish Richardson & Storrow.
Solicitors and of counsel.

R. H. White Company
by Geo. W. Crosby Treas.

State and District of Massachusetts,
ss.

At Boston, on this Eighth day of July, A. D. 1899, personally appeared the above-named George W. Crosby, known to me to be the Treasurer of the said defendant, the R. H. White Company,

and made oath that he had read the foregoing answer and that all allegations therein made are true to his knowledge, except as to matters therein stated on information and belief, and as to those matters he believes the allegations to be true, before me,

Edward Russell Coffin
Notary Public.

1133

U.S. Circuit Court

Dist of Mass

In Equity No 1133

Frederick Dielman

v.

R.H. White Co.

Defendant's Answer

THE COPLEY PRINTS

Curtis & Cameron

Publishers

Pierce Building Opp. Public Library

Benjamin Curtis
James B. Noyes

Telephone: 217 Back Bay
Cable Address: Copley, Boston

Boston March 4, 1899.

Gentlemen:

We are reliably informed that certain parties are about to put upon the market photographic reproductions of some or all of the copyrighted paintings in the Library of Congress at Washington. These pictures are duly copyrighted by the artists, and we have contracts with them for the exclusive right of reproduction, paying a royalty therefor. Under our contract with the artists we are bound to protect their rights as well as our own against infringement, and we are therefore compelled to issue this notice,--that all persons dealing in the above or any other unlawful reproductions of these works will be promptly prosecuted to the full extent of the law.

We regret to trouble you in this matter, but we know you will agree with us that the interests of publisher and dealer alike require that copyrights upon publications in which they are mutually interested must be recognized and protected.

Yours very truly,

Curtis & Cameron

CABLE:
"CAUSTEN, BOSTON."

OFFICE OF

ALEX. P. BROWNE,

COUNSELLOR AT LAW,

31 STATE ST.,

BOSTON.

TELEPHONE:
WORTHINGTON BUILDING.

June 29. 1899

Hon Francis C. Lowell
U.S. Circuit Court.

My dear Sir.

In the matter of the motion to set aside the preliminary injunction in Dichman v. R. H. White Co. granted by your Honor, I beg to say that owing to my client's and principal witness, being out of the country, I shall offer no opposition to the granting of such motion.

I have notified defendants counsel Messrs Fred Richardson & Storrow by letter today, to the above effect.

Respectfully yours.

Alex P Browne

1133

Dickman
v.
R. H. White Co.

CIRCUIT COURT OF THE UNITED STATES.

District of Massachusetts.

In Equity.

FREDERICK DIELMAN

v.

THE R.H.WHITE COMPANY.

AFFIDAVIT OF WILBUR L. WRIGHT.

Wilbur L. Wright, being duly sworn, doth depose and say as follows, viz:-

I am forty years of age, a publisher, and am carrying on the art publishing business in partnership with James M.Morrison under the name of the Columbian Art Publishing Company. Our office and principal place of business is at 919 F Street, Washington, D.C. My partner Morrison and I are defending the suit brought by Frederick Dielman against the R.H.White Company. The photograph which is alleged to infringe the copyright to Mr. Dielman was published by my firm and has been sold by the defendant, the R.H.White Company, as our agent. The photograph was taken by my partner, Mr. Morrison, directly from the original mosaic on the wall of the Congressional Library at Washington. This mosaic is on the wall at one end of the reading room intended for members of the House of Representatives, and is located immediately above the fireplace, while at the other end of this same room is another mosaic placedin the exactly corresponding place. The mosaic

is embedded directly in to the wall of the room. Our photographs, the sale of which Mr. Dielman is trying to prevent, show plainly the markings of the mosaic tesserae, or inlayings, and constitute as exact reproductions of the mosaic at this end of the room as we were capable of making by photography. Neither my partner Mr. Morrison nor I have ever obtained nor have we ever intended to obtain any photographs of Mr. Dielman's preliminary sketch or picture from which this mosaic was made, but we have confined ourselves to reproducing and selling photographs of the original mosaic just as it is set in the wall of the building, and our photographs are made of so much of the wall of the House reading room as is occupied by this mosaic.

In addition to photographing this portion of the wall of the House reading room we have also taken and published, as part of the same set, one hundred and forty-eight other photographs of the different portions of the Congressional Library. The greater portion of these photographs are of the wall or ceiling where pictures are located, and this entire set of photographs we have published and offered for sale at the same time and in the same manner and refer to them all in the same catalogue, so that the entire one hundred and forty-nine photographs form a complete collection illustrating the more important and more beautiful portions of the Congressional Library.

In illustrating the Congressional Library we have not confined ourselves simply to those portions of the walls or ceilings which have been decorated with pictures, but we have endeavored to show every feature of the building which seemed to us to be especially beautiful or to have especial artistic interest. Thus in our set we have several photographs illustrating the marble stair-ways; we also have photographs showing the bronze fountain, and as we considered the bronze doors

to be especially artistic and beautiful we have in our set fourteen photographs illustrating these doors, some of the views giving the full view of the doors, while the rest of the pictures are taken of ~~the~~ details of the doors. In like manner we have reproduced some of the more beautiful portions of the Boston Public Library, and our photographs of the Boston Public Library are advertised in the same catalogue in which we refer to our pictures of the Congressional Library. I have marked with my initials and annex to my affidavit one of our regular catalogues to which I have referred.

I have lived in Washington for the last ten years and I know that it has always been the custom of the Government to permit photographs to be taken of any of its public buildings and of any parts of its buildings, whether interior views or exterior views, and whether the photographs are taken of architechtural effects, sculptural designs, or mural paintings.

In the Capitol, for instance, it has been the practice for many years, to my knowledge, to permit any person to take photographs of the outside of the building or to go into the building and take photographs of any portion of the interior. Some care has to be taken that persons desiring to photograph the interior of the building shall not disturb the legislative bodies or committees or other official persons in the building, and, in order to ensure this, it has been the practice when anybody desired to take a photograph to require him to ask permission from the Government employee who has immediate charge of the building, and such permission would not be granted, for example, to a person who desired to take a picture of any portion of the House of Representatives while the House was actually in session, or of the Supreme Court Chamber while the Court was sitting, but with only this limitation it has been, to my knowledge, the invariable practice to permit any person to take

photographs of any portion of the Capitol, including any painting or sculptural ornamentation thereof. Such permit has always been granted as a matter of course whenever it does not interfere with the actual use of the buildings or rooms in the buildings which the person desires to photograph, and it is not customary to require a credential or letter of recommendation or anything of the sort in order to obtain the right. It has been recognized,-- at least ever since I have livedin Washington,-- that a public building is a matter of great public interest to all the citizens of this country, and, in fact, to all persons coming from all parts of the world, and it has been felt that every opportunity should be given to such persons to enjoy the buildings and to take photographs or to make paintings of any features which may especially interest them.

When it care to the new Congressional Library the regular practice was followed, and, since the opening of the building to the public, any person has been permitted to take photographs and to make such reproductions of any feature of the exterior or interior which seemed to him to be especially beautiful or worthy of reproduction. In fact, the rule of the Congressional Library has been and now is that a camera is the one thing which a visitor can take unmolested into the building; no visitor can take into the building, for example, an umbrella, nor, if he takes into the building a satchel or even a package, is he allowed to take it out again without having it opened and examined in order to make sure that he has not taken some book or paper or pamphlet belonging to the Government, but any person is allowed to take a camera into and out of the building without his being questioned and without having the camera examined. The Library authorities have not yet found it necessary to require a permit for taking photographs, as is the case with

the Capitol, and I suppose this is because of the fact that most of the paintings and ornaments which visitors to the Congressional Library desire to reproduce are in the halls or public rooms instead of in rooms where the interruption of a visitor with a camera would be likely to cause annoyance, though it is a fact that the particular mosaic about which this controversy arises is in the reading room set apart for the members of the House of Representatives to which the public are not ordinarily admitted.

When we desired to make our collection of photographs of the interior of the Congressional Library,-- although, as I have stated, a permit is not required for taking phptographs,-- we did take the pains to get a special permit from Mr. Bernard R. Green, the engineer who had charge of the construction of the Congressional Library, including the contracts for the decoration of the walls, and who has since been the superintendent and engineer in charge of the building. We applied to Mr. Green for a permit because some painted portions of the walls which we desired to photograph are very high up, being in some cases thirty or forty feet above the floor, and we felt that in order to get the best results it was necessary to erect a staging so that our camera could be placed on a level with the portions of the walls that we desired to photograph. Mr. Green, therefore, as superintendent and engineer in charge of the building, gave instructions to his watchman to permit the artists and photographers of the Columbian Art Publishing Company to enter the building on Sundays and holidays and any days on which the ordinary visitors are excluded so that we would be free to take our photographs under the best conditions, and, at the same time, without interfering with the use of the building.

Before we proceeded to take photographs of the Congressional Library and the works of art therein we had noticed that some of the mural paintings were marked "Copyrighted," but we felt perfectly certain that any citizen of the United States must have the right to take a photograph of any part of a government building, and we called Mr. Green's attention to the fact that some of the pictures were marked "Copyrighted," and Mr. Green said to us that as the various works of art,-- and among them that of the mosaic "Law,"--had been furnished to the Government under contracts between the Government and the various artists to especially design for the Government and to furnish the different works of art, including the mosaic "Law," he was clearly of the opinion that the artists had no right to prevent the Government from reproducing them, or anyone whom the Government authorized, and he said he based his opinion largely upon the fact that the contracts between the Government and the various artists were ones of employment, and were so regarded by the Government and by him in making them as agent of the Government, and on the authority of Mr. Green's statement,-- that the artists were not entitled to their copyrights,-- we, after receiving proper authority from the Federal Government, made photographs of the various public works of art, among them the mosaic "Law," and have sold these photographs throughout the country.

Mr. Green also informed me that he had requested the artists not to mark the works of art "Copyrighted," and it was done contrary to his request, but that he, not wishing to enter into a controversy with them, allowed them to do so and told them that they must assume the whole responsibility of marking the works of art "Copyrighted," and that they did it without any acquiescence from him.

I append to this affidavit a certified copy of all the correspondence between Mr. Bernard R. Green and Mr. Dielman relating to the employment of Mr. Dielman by the United States Government for making and furnishing the mosaic "Law."

I will add that the notification from the R.H.White Company of this suit only reached us in Washington on the morning of the grant of the preliminary injunction, so that we had no opportunity to appear and oppose the motion, and that we have not acquiesced in the injunction at all, but at once employed counsel and have used all the diligence in our power to prepare the necessary affidavits and to obtain the necessary documents for this motion.

Wilbur L. Wright

WASHINGTON, DISTRICT OF COLUMBIA.

June 27th 1899.

Then personally appeared before me the above-named Wilbur L. Wright, personally known to me, and swore that the above affidavit by him subscribed is true.

Philip R. Lamer
Notary Public.
D.C.

1133

Circuit Court of U. S.

Dist. of Mass.

In Equity No 1133

Delman

v.

The R. H. White Co.

Affidavit of

Wilton L. Wright

for Defendants.

Circuit Court of the United States,

District of Massachusetts,

In Equity.

Frederick Dielman

v.

The R.H.White Company.

Affidavit of F.Proctor Moore.

F.Proctor Moore,of lawful age,being duly sworn,deposes and says as follows:

I am in the employ of Curtis & Cameron,art publishers,doing business at the Pierce Building,Boston,Mass. On the 17th day of April,1899,at the request of Mr.Benjamin Curtis,of said firm,I visited the retail store of The R.H.White Company,of Washington street,in said Boston,to ascertain if they were selling photographic reproductions of certain copyrighted paintings and particularly the painting or design entitled "Law" by Frederick Dielman. I went to said store,as stated, and saw a large number of photographic reproductions of paintings exposed for sale,and among them one or more copies of the said painting entitled "Law". I asked the person in charge if the photographs exhibited were for sale,and the prices,and was informed that they were,and what the prices were. I thereupon purchased a copy of the photograph of the said painting,and I have produced the same marked with my initials to be made an exhibit herein. I also produce the sale-slip herewith.

F. Proctor Moore

Boston. Mass. April 20th 1899.
Subscribed and sworn to before me
William Cobb Notary public

1133

U. S. Circuit Court.
Dist. of Mass.

No. In Equity

Frederick Dielman
v.
The R. H. White Co.

Affidavit of
F. Proctor Moore.

Wilbur L Wright

Circuit Court of the United States
District of Maryland
In Equity.

Dielman
vs
R. H. White Co

"FORTITUDE"
BY GEO. W. MAYNARD.

THE WASHINGTON PRINTS

~~EXHIBITED AND SOLD BY~~

~~GIMBEL BROTHERS,~~

~~MILWAUKEE and PHILADELPHIA.~~

Landon Kent & Co.
Sole Agents Baltimore Md

THESE PICTURES ARE EXHIBITED HERE IN A SPECIALLY PREPARED ROOM, AND IN KEEPING WITH THE WHITE MARBLE OF THE CONGRESSIONAL LIBRARY, THIS SPACE IS ENCLOSED IN PURE WHITE, WITH CORINTHIAN COLUMNS AT THE ENTRANCES. FLOOR COVERING, WALLS, CEILING AND DRAPERIES, ALL OF WHITE, COMPLETE THE ENSEMBLE, WHICH IS ILLUMINATED BY A BEAUTIFUL DISPLAY OF REFLECTORS AND MARBLE PEDESTALS.

GIMBEL BROTHERS,

MILWAUKEE & PHILADELPHIA.

OCT., 1899.

THE WASHINGTON PRINTS.

PRESS OF GUGGENHEIMER
WEIL & CO.
BALTIMORE, MD.

WASHINGTON PRINTS

ARE reproductions in Platinotype, Water Colors, and Oil Colors on wood panels, of notable Works of Art owned by public institutions and private collectors in the Western Hemisphere.

Among these will be found the finest examples of masterpieces by old and new world artists, beside the very best of Mural Decorations in the Congressional Library in Washington, the Boston Public Library, and other public buildings.

THE HOME OF THIS PUBLISHING COMPANY BEING IN WASHINGTON, D. C., THE NATURAL CENTER OF ART AND EDUCATION IN AMERICA, ENABLES THE PROPRIETORS TO QUICKLY CATCH THE SPIRIT OF THE TIMES IN ALL THAT PERTAINS TO DECORATIVE AND INSTRUCTIVE ART.

PLATINOTYPES— WHAT THEY ARE.

PLATINOTYPES or Platinum Pictures, as exemplified in WASHINGTON PRINTS, are reproductions of original works of art by the aid of the latest discoveries in photography, by which all the values of color and fine gradations of light and shadow are secured, differing from ordinary photography as the finest plate printing differs from newspaper printing. Blue, for instance, in ordinary photography appears in a print as white; in a Patinum Print, blue has its exact relative value to all other colors in the picture. A Platinum Print appears as a pure black and white picture, absolutely permanent, and when framed, has the appearance of a fine engraving or photogravure.

ABOUT COLORING.

WE will furnish any subject in this catalogue colored in oil or water colors, fac-similes of the originals, the oil pictures being mounted on wood panels.

The prices for the colored prints vary with the subject, some being much more difficult to color than others. The subjects that are suitable for coloring are indicated by a star (*).

Any subject in this catalogue can be furnished in water or oil as large as 30 x 40 inches, but cannot be had in platinum other than the sizes indicated by the Roman numerals.

THE CONGRESSIONAL LIBRARY.

The Congressional Library is conceded by all to be the most perfect library building in the world. As we have to do with its Mural Decorations only, it will be safe to say that it is the most perfectly decorated building in the world. The decorations represent an epoch in American Art, as previous to the erection of this library, no opportunity had been given American artists to concentrate their talent within one truly great building. The result has proven that they only lacked the opportunity.

From an architectural point of view the building is well nigh perfect. The defects, as pointed out by the skillful architect, would not be observed by the average citizen. We have attempted in the small picture on this page to give a general view of the building.

CATALOGUE OF MURAL DECORATIONS IN THE CONGRESSIONAL LIBRARY.

HERBERT ADAMS.

No.	Subjects.	SIZES AND PRICES. I	II	III	IV
1	Writing, (South Bronze Door)	....	$1 00	$2 50	...
2	Writing, (detail, Tympanum South Bronze Door)	....	1 00	2 50	....
3	Truth, (detail Bronze Door)	$0 50	1 00	2 50	....
4	Research, " "	50	1 00	2 50	....

JOHN W. ALEXANDER.

5	The Cairn	....	1 00	2 50	$5 00
6	Oral Tradition	....	1 00	2 50	5 00
7	Egyptian Hieroglyphics	....	1 00	2 50	5 00
8	Picture Writing	....	1 00	2 50	5 00
9	The Manuscript Book	....	1 00	2 50	5 00
10	The Printing Press	....	1 00	2 50	5 00

(These pictures represent the evolution of the book.)

GEORGE BARSE, Jr.

11	Romance	....	1 00	2 50	....
12	Fancy	....	1 00	2 50	....
13	Tradition	....	1 00	2 50	....
14	Erotic	....	1 00	2 50	....
15	Lyrica	....	1 00	2 50	....
16	Tragedy	....	1 00	2 50	....
17	Comedy	....	1 00	2 50	....
18	History	....	1 00	2 50	....

(The above are upright panels, single figures.)

F. W. BENSON.

19	Aglia	50	1 00	2 50	....
20	Thalia (see opposite page)	50	1 00	2 50	....
21	Euphrosyne	50	1 00	2 50	....

(Above pictures represent the Graces.) Octagon shape.)

22	Spring (see opposite page)	50	1 00	2 50	....
23	Summer	50	1 00	2 50	....
24	Autumn	50	1 00	2 50	....
25	Winter	50	1 00	2 50	...

(The Seasons. Circular shape.)

No. 20. THALIA. Frame No. 5172.

No. 22. SUMMER. Frame No. 5174.

EDWIN H. BLASHFIELD.

No.	Subjects.	SIZES AND PRICES. I	II	III	IV
26	The Human Understanding, (circular shape)	....	$1 00	$2 50	...
27	The Progress of Civilization, (this picture in four sections)	....	4 00	10 00	....

KENYON COX.

28	The Arts	....	1 00	2 50	$5 00
29	The Sciences	....	1 00	2 50	5 00

FREDERICK DIELMAN.

30	History, Mythology, Tradition, (full picture)	....	1 00	2 50	5 00
31	History, (full figure, detail)	....	1 00	2 50	....
32	History, (head only)	....	1 00	2 50	....
33	Mythology, (full figure, detail)	....	1 00	2 50	...
34	Mythology, (head only)	....	1 00	2 50	....
35	Law, (full picture)	....	1 00	2 50	5 00
36	Law, (head only)	....	1 00	2 50	....
37	Industry, Peace, Truth, (detail of Law)	....	1 00	2 50	....
38	Fraud, Discord, Violence, (detail of Law)	....	1 00	2 50	....
39	Law, (detail) full figure	....	1 00	2 50	....
40	Head of Peace, (detail of Law)	....	1 00	2 50	....
41	Head of Fraud, (detail of Law)	....	1 00	2 50	....

R. L. DODGE.

42	Earth	....	1 00	2 50	5 00
43	Air	....	1 00	2 50	5 00
44	Fire	....	1 00	2 50	5 00
45	Water	....	1 00	2 50	5 00

(The Elements)

WILLIAM de LEFTWICH DODGE.

46	Ambition, (circular shape)	$0 50	1 00	2 50	....
47	Literature	....	1 00	2 50	5 00
48	Music	....	1 00	2 50	5 00
49	Science	....	1 00	2 50	5 00
50	Art	....	1 00	2 50	5 00

ELMER E. GARNSEY.

51	The Great Seal of the United States	....	1 00	2 50	....

FREDERICK MACMONNIES.

52	The Art of Printing, (Central Brouze Door)	....	1 00	2 50	5 00
53	Typographical Art, (detail, Tympanum of Bronze Door)	....	1 00	2 50	....
54	The Humanities, (detail of Bronze Door)	....	1 00	50	....
55	Intellect, (detail of Bronze Door)	....	1 00	0	...

No. 64. FORTITUDE. Frame No. 5169.

GEORGE W. MAYNARD.

No.	Subjects.	SIZES AND PRICES. I	II	III	IV
56	Adventure	....	$1 00	$2 50	....
57	Discovery	....	1 00	2 50	....
58	Conquest	....	1 00	2 50	....
59	Civilization	....	1 00	2 50	....
60	Ceiling Disc, rep'senting Courage	....	1 00	2 50	....
"	" " " Valor	....	1 00	2 50	....
"	" " " Fortitude	....	1 00	2 50	....
"	" " " Achievement	....	1 00	2 50	....
61	Courage	....	1 00	2 50	....
62	Patriotism	....	1 00	2 50	....
63	Justice	...	1 00	2 50	....
64	Fortitude	....	1 00	2 50	....
65	Concordia	...	1 00	2 50	....
66	Industry	....	1 00	2 50	....
67	Temperance	....	1 00	2 50	....
68	Prudence	....	1 00	2 50	....

(Eight Pompeian Panels)

WALTER McEWEN.

No.	Subjects.	SIZES AND PRICES. I	II	III	IV
69	Paris	...	$1 00	$2 50	....
70	Jason	....	1 00	2 50	....
71	Bellerophon	....	1 00	2 50	....
72	Orpheus	...	1 00	2 50	...
73	Prometheus	....	1 00	2 50	....
74	Theseus	....	1 00	2 50	....
75	Achilles	.	1 00	2 50	....
76	Hercules	....	1 00	2 50	....
76½	Perseus	....	1 00	2 50	...

(The Greek Heroes.)

CARI MELCHERS.

No. 78. WAR. Frame No. 5176.

77	Peace	. ..	$1 00	$2 50	$5 00
78	War	....	1 00	2 50	5 00

CHARLES SPRAGUE PEARCE.

No 80. RELIGION. Frame No. 5161.

No.	Subjects.	SIZES AND PRICES. I	II	III	IV
79	The Family	....	$1 00	$2 50	$5 00
80	Religion	...	1 00	2 50	....
81	Labor	....	1 00	2 50	.
82	Study	....	1 00	2 50	....
83	Recreation	....	1 00	2 50	....
84	Rest	....	1 00	2 50	. ..
85	Give Instruction	....	1 00	2 50	....

ROLAND HINTON PERRY.

No. 81. LABOR. Frame No. 5163.

No.	Subjects.	SIZES AND PRICES. I	II	III	IV
86	Bronze Fountain	...	$1 00	...	....
87	Neptune, (detail of Fountain)	....	1 00	....	....
88	North Nymph and Horse, (detail of Fountain)	...	1 00	....	....
89	South Nymph and Horse, (detail of Fountain)	....	1 00	....	....
90	Eastern Sybil, (Medallion, octagon shape)	$0 50	1 00	$2 50	....
91	Northern Sybil, (Medallion, octagon shape)	50	1 00	2 50	....
92	Roman Sybil, (Medallion, octagon shape)	50	1 00	2 50	...
93	Grecian Sybil, (Medallion, octagon shape)	50	1 00	2 50	....

BELA L. PRATT.

MEDALLIONS.

No.	Subjects.	SIZES AND PRICES. I	II	III	IV
94	Spring	$0 50	$1 00	$2 50	....
95	Summer	50	1 00	2 50	....
96	Autumn	50	1 00	2 50	....
97	Winter	50	1 00	2 50	....

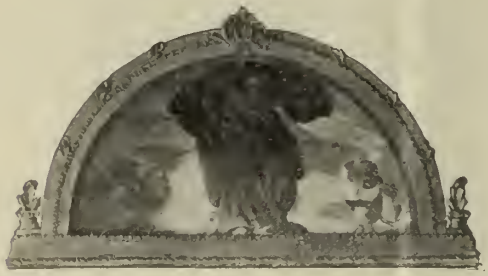
ROBERT REID.

98	Taste, (octagon shape)	50	1 00	2 50	....
99	Sight, "	50	1 00	2 50	....
100	Smell, "	50	1 00	2 50	....
101	Hearing, "	50	1 00	2 50	....
102	Touch, "	50	1 00	2 50	....
103	Wisdom, (circular shape)	50	1 00	2 50	..
104	Understanding, (circular shape)	50	1 00	2 50	....
105	Knowledge "	50	1 00	2 50	....
106	Philosophy "	50	1 00	2 50	....

WALTER SHIRLAW.

107	Archaeology	....	1 00	2 50	..
108	Botany	....	1 00	2 50	....
109	Astronomy	...	1 00	2 50	....
110	Chemistry	....	1 00	2 50	....
111	Zoology	....	1 00	2 50	....
112	Physics	....	1 00	2 50	....
113	Mathematics	....	1 00	2 50	....
114	Geology	....	1 00	2 50	...

EDWARD SIMMONS.



No 115 MELPOMENE. Frame No. 5171.

EDWARD SIMMONS.—Continued.

No.	Subjects.	SIZES AND PRICES. I	II	III	IV
115	Melpomene	....	$1 00	$2 50	....
116	Clio	....	1 00	2 50	....
117	Euterpe	....	1 00	2 50	....
118	Terpsicore	....	1 00	2 50	....
119	Erato	....	1 00	2 50	....
120	Polyhymnia	....	1 00	2 50	....
121	Urania	....	1 00	2 50	....
122	Calliope	....	1 00	2 50	....
123	Thalia	....	1 00	2 50	....

(The Muses.)

W. B. VAN INGEN.

124	State and Treasury	....	1 00	2 50	5 00
125	Postoffice and Justice	....	1 00	2 50	5 00
126	War and Navy	....	1 00	2 50	5 00
127	Agricu tural and Interior	....	1 00	2 50	5 00
128	L'Allegro	....	1 00	2 50	....
129	Il Penseroso	....	1 00	2 50	....

ELIHU VEDDER.

No. 136. MINERVA. Frame No. 4912.

ELIHU VEDDER.—Continued.

No.	Subjects.	SIZES AND PRICES. I	II	III	IV
130	Government	....	$1 00	$2 50	....
131	Corrupt Legislation	....	1 00	2 50	....
132	Anarchy	....	1 00	2 50	....
133	Good Administration	....	1 00	2 50	....
134	Peace and Prosperity	....	1 00	2 50	....
135	Minerva, (Mosaic, full picture)	$0 50	1 00	2 50	....
136	Minerva, (head only)	50	1 00	2 50	....

H. O. WALKER.

No. 137. LYRIC POETRY. Frame No. 5165.

137	Lyric Poetry, (full picture)	....	1 00	2 50	$5 00
138	Joy and Memory	....	1 00	2 50	5 00
139	Ganymede	....	1 00	2 50	....
140	Adonis	....	1 00	2 50	....
141	Comus	....	1 00	2 50	....
142	Endymion	....	1 00	2 50	....
143	Uriel	....	1 00	2 50	....
144	The Boy of Winander	....	1 00	2 50	...
145	Lyric Poetry, (detail, Central Figure.)	....	1 00	2 50	5 00

OLIN L. WARNER.

146	Tradition, (North Bronze Door)	....	1 00	2 50	....
147	Tradition, (detail, Tympanum of Bronze Door)	....	1 00	2 50	....
148	Imagination, (detail of Bronze Door)	....	1 00	2 50	....
149	Memory, (detail of Bronze Door)	....	1 00	2 50	....

CATALOGUE OF MURAL DECORATIONS IN THE BOSTON PUBLIC LIBRARY.

JOHN S. SARGENT.

No.	Subjects.	SIZES AND PRICES. I	II	III	IV
150	Frieze of the Prophets	$2 00	$4 00	$9 00	20 00
151	Hosea, (detail of the Prophets)	25	50	1 00	....
152	Head of Hosea, (detail of the Prophets)	50	1 00	2 50	....
153	Isaiah, (detail of the Prophets)	25	50	1 00	....
154	Daniel, " "	25	50	1 00	...
155	Jeremiah, Jonah, Isaiah, Habakkuk, (detail showing busts only)	25	50	1 00	....
156	Micha, Haggai, Malachai, Zechariah, (detail showing busts only)	25	50	1 00	....
157	Amos, Nahum, Ezekiel, Daniel, (detail showing busts only)	25	50	1 00	....
158	Zephaniah, Joel, Obadaiah, Hosea, (detail showing busts only)	25	50	1 00	....
159	Elijah, Moses, Joshua, (detail showing busts only)	25	50	1 00	....
		25	50	1 00	....

The following detail, full figures of the Prophets are intended for book marks, and should be mounted separately on ribbons with suitable texts:

No.	Subjects.	SIZES AND PRICES. I	II	III	IV
160	Moses	$0 25	$0 50	....	....
161	Micha	25	50	....	....
162	Haggai	25	50	....	....
163	Jeremiah	25	50	....	....
164	Isaiah	25	50	....	....
165	Habakkuk	25	50	....	....
166	Zephaniah	25	50	..	.. .
167	Joel and Obadaiah	25	50	....	. ..
168	Hosea	25	50	...	. .
169	Daniel	25	50	....	....

CATALOGUE OF PAINTINGS FROM PRIVATE AND PUBLIC COLLECTIONS.

HENRY H. AHL.

170	The Rye Harvesters	50	1 00	2 50	....
171	Poetry of Evening	50	1 00	2 50	....
172	Reflecting Magdalene	50	1 00	2 50	....
174	Dog Days	50	1 00	2 50	.. .
175	The Fisher Maiden	50	1 00	2 50	....

DAUBIGNY.

176	On the River Seine	50	1 00	2 50	....

DIAZ.

No.	Subjects.	SIZES AND PRICES. I	II	III	IV
177	Forest of Fontainbleu	50	1 00	2 50	....

R. L. JOHNSTON.

No. 186. SYCAMORE TREES. Frame No. 5103.

178	A New England Sheep Barn	$ 50	$1 00	$2 50	...
179	A New England Barnyard	50	1 00	2 50	....
180	Cattle in the Stream	50	1 00	2 50	....
181	Rocky Meadow, New Hampshire	50	1 00	2 50	...
182	Calves at the Pond	50	1 00	2 50	....
183	Ships of the Desert	50	1 00	2 50	...
184	Street in Tangier	50	1 00	2 50	....
185	Chickens	50	1 00	2 50	....
186	Sycamore Trees, (November)	50	1 00	2 50	....
187	Ducks	50	1 00	2 50	....

J. WESLEY LITTLE.

188	The Cornfield	50	1 00	2 50	....

EMIL H. MEYER.

189	The First and Third Generations	50	1 00	2 50	....

E. VANCE PRESTON.

190	Misty Morning, New Jersey	50	1 00	2 50	....

THEODORE ROUSSEAU.

191	On the River Oise	50	1 00	2 50	....

VAN MARCKE.

192	Flock of Sheep	50	1 00	2 50	.

GEORGE WASHINGTON.

193	A Battle in Algiers	50	1 00	2 50	....

No. 150. **PROPHETS.** Frame No. 5160.

THE CONGRESSIONAL LIBRARY.

CIRCUIT COURT OF THE UNITED STATES

DISTRICT OF MASSACHUSETTS.

FREDERICK DIELMAN v. R. H. WHITE & COMPANY.	IN EQUITY.

AFFIDAVIT OF J. LEWIS STACKPOLE, Jr.

J. LEWIS STACKPOLE, Jr., being duly sworn, deposes and says as follows:

I am of lawful age and a clerk in the office of Fish, Richardson and Storrow, counsel for the defendant in this suit. On Friday, June 16, 1899 at the request of Mr. Storrow, I attended the examination of Frederick Dielman, a witness in this case called in his own behalf, at the office of Alexander P. Brown, Worthington Building, Boston, counsel for the complainant.

Brown

By agreement of counsel, the deposition of said Frederick Dielman was begun on the said sixteenth day of June, although the defendant's answer was not yet due and had not been filed. The reason for this action was that Mr. Dielman was about to go abroad and did not expect to return till some time in September 1899.

The witness, Frederick Dielman, having been duly sworn before a notary public, gave his deposition in my presence in response to questions by counsel for the complainant, and by counsel for the defendant. His deposition was taken down on a typewriter in my presence, and three copies were made of it, two copies being carbon reproduc-

tions of the original.

The direct examination of the witness was completed and the cross examination begun but not completed. Further cross-examination and re-direct examination was by agreement of counsel postponed till some future date, on the return of the witness from his trip abroad, to be settled by agreement of counsel.

At the adjournment of the examination of the witness I was handed one of the carbon copies of his testimony which is a true and exact reproduction of the testimony given by him, and I attach the same to this affidavit.

J Lewis Stackpole Jr

State of New York,
City of New York, June 22, 1899.

Personally appeared the above named J. Lewis Stackpole, Jr., and swore that the foregoing affidavit subscribed by him is true before me.

H. C. Sherwood

Notary Public.
New York Co.

Circuit Court of the United States,

District of Massachusetts,

In Equity.

Frederick Dielman

v.

The R.H.White Company.

Testimony for Complainant.

Met pursuant to agreement.
Present: Alex.P.Browne,for compl't.Boston,June 16,1899.
James J.Storrow,for Def't.

Deposition of Frederick Dielman.

It appearing that Frederick Dielman, the complainant in the above entitled cause, is believed to be a material and necessary witness in his own behalf herein, and the said Dielman being about to leave the United States, and to be absent therefrom for a considerable period, his testimony is now by consent of counsel for defendant taken de bene esse.

It is further agreed that Everett D.Chadwick, Esq., Notary Public, may act as special examiner, subject to the approval of the Court in the taking of this deposition.

Frederick Dielman, being duly sworn, deposes and says as follows:

Direct Examination by Alex.P.Browne.

Int.1. Please state your name, age, residence and occupation:

Ans. Frederick Dielman; age 51; New York City; artist.

Int.2. Are you the complainant in the present case?

Ans. I am.

Int.3. Whether or not you painted or produced a certain picture entitled "Law", intended to be reproduced in mosaic upin the walls of the new Library of Congress, at Washington?

Ans. I did.

Int.4. Will you please state the circumstances which led to your making this painting.

Ans. I received a letter from General Casey of the U.S. Engineer Corps and in charge of the construction of the Library, requesting me to furnish two mosaic panels executed from my design, to be placed in a certain room of the new Library building.

Int.5. Have you that letter?

Ans. I have, in New York.

Int.6. Will you produce it later if desired?

Ans. I will.

Int.7. Please state briefly what you did in order to produce the panels you have mentioned, and particularly the panel of "Law".

Ans. I first prepared a design embodying certain ideas, made studies from nature and painted ~~xxxxxxxx~~ a cartoon, viz., a painting in colors of the exact size of the proposed mosaic. This painting was upon canvas. This, when completed,

was sent to Venice in Italy, with explicit written directions concerning its reproduction in mosaic. Later on the mosaic and cartoon were sent back to me, the former, the mosaic, was then set in a frame of cement and metal, and, under my personal superintendence, placed in its final position over the mantel of the Representatives' Reading Room of the New Library of Congress.

Int.8. Please look at the photograph now shown you and state whether or not it is a photograph of the cartoon or painting entitled "Law"?

Ans. It is.

(The photograph referred to is offered in evidence for complainant and marked "Complainant's Exhibit Photograph of Painting, E.D.C., Special Examiner.")

Int.9. Please look at this other photograph now shown you and state whether or not it is a photograph of the mosaic in the new Library of Congress bearing the same title?

Ans. It is.

~~Int.10.~~ (The photograph referred to is offered in evidence and marked "Complainant's ~~Exhibit Photograph of Defendant's Photograph~~ Exhibit Defendant's Photograph E.D.C., Special Examiner.")

(Counsel for complainant states that he will at the proper time offer ~~in~~ evidence tending to connect the defendant with the sale of the exhibit in question.)

Int .10. I notice upon each of these photographs, in the lower left hand corner what appears to be the reproduction of a copyright notice, the same appearing clearly upon the Exhibit Photograph of Painting as "Copyright 1880 by Frederick Dielman." I will ask you whether or not you caused the painting of "Law" to be copyrighted, and if so, will you state by whom ?

Ans. It was done by Curtis & Cameron at my request.

Int.11. Was this request verbal or in writing?

Ans. To the best of my recollection it was in writing. Possibly both.

Int.12. Whether or not the Mr. Curtis now present had conferred with you on behalf of his firm with reference to such copyright?

Ans. He had.

Int.13. Inasmuch as the photograph of the mosaic does not show the whole of the copyright inscription legibly, I will ask you whether or not, there appears upon the mosaic the same copyright notice as upon the painting?

Ans. The same copyright notice appears upon the mosaic as upon the painting.

Int.14. By whom was the copyright notice placed upon the painting?

Ans. By me.

Int.15. And when was this done with reference to its being sent to Venice?

Ans. Before it was sent to Venice.

Int.16. The bill of complaint therein states that the "original painting or design for a work of the fine arts" was copyrighted on or about August 31,1896. Can you state ~~xxxxxxx~~ ~~xxxxxx~~ when you gave the instructions in regard to copyrighting this painting with reference to the time when you sent it to Venice.?

Ans. I cannot from memory. I may be able to do so after referring to my papers.

Int.17. To possibly assist your recollection,I will ask you whether,at the time you personally put the copyright notice upon the painting,you had given instructions to have it copyrighted,or otherwise had reason to suppose that it was at that time actually copyrighted?

Ans. I cannot make a definite answer to that.

Int.18. Do you know whether the Complainant's Exhibit Photograph of Painting,or rather the negative for that photograph,was made before the picture was sent to Venice?

Ans. It was.

Int.19. Whether on not either the painting or cartoon of "Law" or the mosaic reproduction thereof was ever publicly exhibited prior to August,1896?

(Objected to as leading and calling for a determination of a question of law as to publication.)

Ans. It was not exhibited.

Int.20. By whom is the copyright upon this painting cartoon,or design,known as "Law",now owned?

Ans. By me.

Int.21. And by whom has it been owned since it was taken out?

Ans. By me only.

Int.22. Of what country are you a citizen?

Ans. Of the United States.

Int.23. Please state whether or not the painting or cartoon was ever submitted for acceptance to any person representing the United States Government in the matter of the erection or decoration of the new Library of Congress,and if yes,to whom and when first?

Ans. The painting or cartoon,before it was sent to Venice,for reproduction in mosaic,was submitted to Edward P.Casey architect in charge of the Library building,and was by him accepted.

Int.24. Please state when the putting on of the copyright notice by you was done with reference to the time of such submission?

Ans. The copyright notice was put on the painting before the same was submitted.

Cross-examination by James J.StorrowEsq.

X Int.25. Were you born in the United States?

Ans. No.

X Int.26. Where were you born?

Ans. In Hanover,Germany.

X Int.27. When were you naturalized in this country?

Ans. Approximately 1868 or '70.

X Int.28. You were a citizen then,of the United States at the time you were engaged by the Government to furnish the mosaic "Law" were you not?

Ans. I was.

X Int.29. Have you with you the copies of the correspondence between yourself and the United States Government concerning your emplo ment and the furnishing of the mosaic "Law"?

Ans. No.

X Int.30. Will you produce the same?

Ans. I will produce the original letters on the part of the Government,and can give the gist of my own letters,but am not sure that I have kept copies.

(Counsel for defendant requests counsel for complainant to produce the copies of Mr.Dielman's letters from the Government,and also if counsel for complainant will produce the witness at some future date to be examined on the contents of these letters.)

(Counsel for Complainant states that he will gladly produce all the documents which the witness can find, forming part of any correspondence between himself and the Government with reference to the matter now in controversy, buts suggests that in view of the fact that the entire correspondence, either originals or duly authenticated ~~cccccc~~ copies is undoubtedly in the files of the Government and accessible to counsel for defendant, it will be better for him to obtain and produce a transcript thereof for use in ~~xxx~~ this case. Counsel for complainant further states that if such transcript cannot be obtained forthwith, the witness will be produced at some later date for further examination.)

X Int.31. Does the correspondence between you and the Government contain the entire contract for your work in furnishing the mosaic "Law"?

(Objected to in so far as it may call upon the witness to express an opinion upon a question of law.)

Ans. It contains all the contract that was ever made between the Government and myself.

X Int.32. Do you remember by whom the correspondence was carried on in behalf of the Government with you?

Ans. By General Casey and Bernard R. Green, Superintendent of Construction, and later in charge.

X Int.33. What was your understanding of your obligation into which you entered by making the contract with the Government which you say was contained in this correspondence?

Ans. My understanding of my obligation was that it was to furnish a panel in mosaic of the design agreed upon of such artistic and technical quality as to make it acceptable to General Casey or his representative.

X Int.34. If your design had not been acceptable to General Casey or his representative, would you have received any pay? from the Government?

Ans. No provision was made for such a contingency.

X Int.35. That is to say, both you and the Government felt sure that you were capable of furnishing an acceptable design?

Ans. I believe that such was the case.

X Int.36. And if your first design was not acceptable, you were to continue to make others until you made one that was acceptable? Is this right?

Ans. I should answer to that, No. I was under no obligation to do so, but should have endeavored to secure their approval.

X Int.37. As a matter of fact, was the first drawing that you submitted to General Casey accepted by him, or did you have to make other sketches?

Ans. My first sketch or sketches (there may have been several) were accepted and served as a basis for the final work.

X.Int.38. Do you mean by the final work the cartoon or the mosaic?

Ans. I mean both.

X Int.39. Which do you regard as the final work?

Ans. The mosaic panel.

X Int.40. And these sketches which you made were for the purpose of enabling you to make the cartoon, were they not?

Ans. No. The main object of the sketces alluded to as submitted, was to convey an idea of my intention to the Government.

X Int.41. Then you regarded the making of the cartoon as but a step in the process of furnishing the mosaic, did you not?

Ans. A mosaic from my design could not be made without my furnishing such a cartoon. I will add if you please, therefore, that the preparation of a cartoon is a necessary step.

~~X Int.42. In answer to X Int.39, you say that you regard the cartoon~~

X Int.42. In answer to X Int.39, you say you regard the mosaic as the "final work". I now ask you if you regard the making of the cartoon as a step in the process of making the mosaic panel. I want to find out what your understanding is of the place which the cartoon occupies in making a mosaic.

Ans. You ask me two questions there. I will answer the first one first. I regard the making of the cartoon as a step in the making of the mosaic panel. The relation of a cartoon to a mosaic is analogous to that of the sculptor's clay model to the marble statue, executed from that model, possibly

by other hands than the sculptor's.

X Int.43. Did you make any express contract with the Government whereby you reserved the right to copyright your cartoon?

(Objected to in so far as it calls upon the witness to give an opinion upon a question of law, the phrase "express contract" being a technical legal phrase, and this witness not having been shown to be a trained lawyer.)

Ans. I did not make an express contract as I understand such to be.

X Int.44. Do I understand you to mean that you made any contract at all to that effect?

Ans. Only in so far that I was persuaded that the Government had no objection to my reserving the copyright on the design "Law", inasmuch as the placing of the inscription, or copyright notice, was subject of discussion with a representative of the Government, and no objection to my placing the same upon the panel was made.

X Int.45. Do I understand you to mean that you obtained this idea that you had a right to reserve the copyright on your cartoon at the time when you placed the mosaic in the Library?

Ans. Most decidedly.

X Int.46. And you had no understanding of this matter previously to that time?

Ans. I don't understand the question.

X Int.47. As I understand your testimony, you have stated in answer to X Int.45, that you obtained the idea that you could reserve the copyright on your painting at the time when you placed the mosaic in the Library at Washington. Previous to that time did you have any understanding as to whether you had the right to reserve to yourself the copyright on your painting?

Ans. Any understanding in the sense of agreement with the Government, I had none. Of course I reasoned on the analogy of what we do in the case of other works of art.

X Int.48. Do you mean that you thought that you had the right to reserve the copyright on your painting?

Ans. I did.

X Int.49. When did you first get the idea that you had this right?

Ans. Putting it as a matter of time, it is difficult to as. As to the process by which I arrived at it, I could state it more easily.

Adjourned to 2.15 p.m.

Cross-examination resumed.

X Int.50. How did it happen that the mosaic was marked with the copyright notice?

Ans. The makers of the mosaic were instructed to follow the original cartoon in all particulars as far as practicable.

X Int.51. Did they put on the copyright notice?

Ans. The enamel ~~texxexx~~ tesserae forming the copyright inscription were laid by the makers of the mosaic.

X Int.52. Did you receive the pay for your work in a lump sum?

Ans. I received the stipulated pay for my work in one payment, I think.

X Int.53. Might it not have been possible for you to have had the mosaic made in New York?

Ans. Not as I wished to have it made.

X Int.54. Were there mosaic makers in New York at that time?

Ans. There were mosaic workers in New York.

X Int.55. Do you remember the date when you sent your cartoon from New York to Venice?

Ans. Only approximately. It was about September 1,1896.

X Int.56. What were the circumstances of your showing Edward P. Casey the cartoon for the mosaic?

Ans. Mr. Edward P. Casey came to my studio for the purpose of inspecting the cartoon.

X Int.57. Do you know what department of the Government Mr. Casey was an employe of at that time?

Ans. As I understand, Mr. Edward P. Casey was appointed architect in charge of the building for the new Library of Congress, by General Casey, who, by special act of Congress, had entire charge of the erection of that building.

X Int.58. It was Mr. Edward P. Casey, was it not, who accepted your design for the mosaic "Law" on the part of the Government?

Ans. It was Mr. Edward P. Casey who accepted or approved my finished cartoon for the mosaic "Law".

X Int.59. Who had charge of the Congressional reading room in which your mosaic "Law" was placed at the time when you placed it there?

Ans. Mr. Bernard R. Green had then, after the death of General Casey, succeeded the latter in charge of the entire building.

X Int.60. Did you have any conversation with Mr. Green about placing the mosaic?

Ans. Both conversation and correspondence.

X Int.61. Have you the letters of Mr. Green which he wrote you relating to this matter?

Ans. I think I have them on file.

X Int.62. Have you copies of your letters to him?

Ans. I doubt it. At most notes.

X Int.63. Will you produce the letters of Mr.Green to you?

Ans. Certainly.

X Int.64. Have you them with you now?

Ans. I have not.

~~XxInxrSm.xx~~ (Counsel for complainant states that all correspondence in Mr.Diolman's possession relating to this case will be produced at the adjournment of the examination of the witness.)

X Int.65. Did you have any conversation with Mr.Green relating to the fact that the mosaic was marked with a copyright notice?

Ans. None,as far as I can remember.

X Int.66. As far as you remember,did any of your correspondence relate to this matter?

Ans. As far as I now remember, the matter was not touched upon in our correspondence.

X Int.67. How is the mosaic fastened to the wall of the reading room?

Ans. The frame of metal and cement holding the mosaic proper,was itself set upon a bed of cement against the ~~chimne~~

chimney breast, fastened to the latter by iron hooks, and additionally held in place by the overlapping members of the marble frame, a portion of which appears in the exhibit photograph.

X Int. 68. The frame holding the mosaic is fastened to the wall both by cement and by hooks; is that right?

Ans. Yes.

~~XxIntxxxxx~~

(It is agreed that the further cross-examination and re-direct examination of this witness be now suspended, the same to be resumed at such date after his return from abroad, as may be hereafter mutually determined.)

1133

U.S. Circuit Court

Dist. of Mass.

In Equity No. 1133

Frederick Dickman

v.

R.H. White Co.

Affidavit of J. Lewis Stackpole Jr for the Defendant.

CIRCUIT COURT OF THE UNITED STATES.

District of Massachusetts.

In Equity.

Frederick Dielman

vs.

R. H. White Company.

MOTION TO DISSOLVE INJUNCTION.

And now comes the defendant in the above-entitled suit and moves that the injunction pendente lite granted in the above-entitled suit by the Court on the twenty-fifth day of April, 1899, be dissolved.

By its Attorneys

Fish Richardson & Storrow

1138

U.S. Circuit Court.

Dist of Mass.

In Equity No. 1133

Frederick Dickman

v.

R.H. White Co

Motion to Dissolve
Injunction Pendente Lite.

Fish Richardson & Storrow
40 Water St.
Boston

CIRCUIT COURT OF THE UNITED STATES,

District of Massachusetts.

Frederick Dielman vs. The R. H. White Company	In Equity.

AFFIDAVIT OF ELLIOTT WOODS.

Elliott Woods, being duly sworn, doth depose and say as follows, to wit:-

I am of lawful age and as Chief Clerk of the Architect of the United States Capitol, I have immediate charge of the regulations relating to the admission of visitors to the capitol. It has been the practice for many years at least to permit any visitor at the capitol to take such photographs as he might desire during the hours when the building was open, provided of course that the taking of the photographs does not in any way intrude upon members of Congress or other persons officially engaged in the building. In order to make sure that no annoyance of this sort is occasioned by visitors, it has been the practice of this office to require persons desiring to make photographs to apply at this office for a permit, but this permit is always granted as a matter of course provided it is clear that the person does not desire to take the photograph of such a place at such a time as will cause annoyance to members of Congress or others. It is true that the Senate Committee on Rules has lately established a specific rule prohibiting the taking of pictures in

the Senate Wing. This was not because of any objection that the Senate Committee had as to the reproduction of any portion of the capitol but was merely because the Senate Committee felt that photographers had caused the Senators a good deal of annoyance and the Committee wanted to stop it, but the Senate Committee did not endeavor to apply the rule to the whole capitol but restricted it simply to the Senate Wing of the building where the Committee felt that the Senators had been subjected to disturbance, intrusion and annoyance.

Elliott Woods

Subscribed and sworn to before me this 14th day of June, 1899.

John J. McGraw
Notary Public.

1133

U.S. Circuit Court.

Dist. of Mass.

In Equity No. 1133

Frederick [redacted]ckman

v.

R.H. White & Co.

Affidavit of Elliott Woods for Defendant.

Recd Exhibit
Washington Price
in Deilman vs R. H. White et al

F. R. & S.

Jan 29. 1900

CIRCUIT COURT OF THE UNITED STATES

DISTRICT OF MASSACHUSETTS.

IN EQUITY.

Frederick Dielman

v.

The R. H. White Company.

AFFIDAVIT OF GEORGE W. CROSBY.

George W. Crosby being duly sworn doth depose and say as follows:

I am of lawful age and Treasurer of The R. H. White Company of Washington Street, Boston, Massachusetts, defendant in this suit.

The subpoena in this suit was served upon the R. H. White Company on Friday, April 22nd, late in the afternoon. I saw on the back of the paper that Alex. P.Brown was put down as the attorney for the complainant. Having looked up Mr. Brown on Saturday morning, I sent a clerk to find him. The clerk, however, reported to me that he was out. I again sent a clerk to call upon Mr. Brown, and it was reported to me again that he was out. I then investigated and found that we had been calling upon the wrong Mr. Brown and although the name "Brown" was written upon the subpoena apparently without an e, that the Mr. Brown who was attorney for the complainant spelled his name Browne, and had an office at 31 State Street. Accordingly, I sent Mr. Browne a note on Monday morning, telling him that we had communicated with Langdon, Kent & Company, from whom we bought the pictures, that The R. H. White Company itself could not undertake to defend the suit, as we were acting merely as retailers.

Langdon, Kent & Company, of Baltimore, of whom we bought the pictures, are the selling representatives of the Columbian Art Publishing Company.

There was no delay whatever on our part between the service of this notice and the hour set for the hearing, but it will be noticed that really only one day, besides Sunday, intervened between the service of the notice and the hearing, and that day was Saturday, and therefore only a ~~half~~ first day, so that the time given us to reach Langdon, Kent & Company, from whom we bought the pictures, and permit them to reach the Columbian Art Publishing Company, who are the publishers of the pictures, was wholly inadequate.

Geo. W. Crosby
Treasurer of R. H. White Company

Subscribed and sworn to before me this twenty sixth day of June A.D. 1899
Geo. Cunningham
Notary Public

1133

U.S. Circuit Court
Dist of Mass.
In Equity No 1133
Frederick Dielman
v.
R.H. White Co.

Affidavit of George
W. Crosby for Defen-
dant.

COPY.

1512 Broadway, New York.
December 27, '94.

Mr. Bernard R. Green,
Superintendent & Engineer.
Dear Sir:

I have the honor to acknowledge receipt of your favor of 22nd inst. offering me, by direction of Brig. Genl. Thos. Lincoln Casey, U. S. A., the Commission to paint, furnish and put in place two marble mosaic panels for one of the Congressional reading rooms (W. S. C.) in the new Building for the Library of Congress.

I have also received the package containing three drawings, (Nos. 462, 631 and S. 159).

In reply I beg to say that I accept with pleasure the above Commission and that I shall use every endeavor to furnish designs that I shall be glad to have on record as examples of my art, and that shall be worthy of the Building and the other decorative work within it.

I shall take the matter in hand at once and within the specified time will send suggestions for subjects.

I should prefer to have entire control of the preparation of the mosaic and to take the responsibility of furnishing the work complete; but if permissible I would ask that the choice of the alternative condition (i.e. of furnishing the designs and superintending the mosaics) be left open to me for a short time.

The other conditions I am prepared to accept as stated in your letter.

I should like further information as to other mural decorations in the same room, color and material of mantel and immediate surroundings &c, but do not need these data immediately.

I am, with thanks, very sincerely yrs
Frederick Dielman.

----oOo----

COPY.

1512 Broadway, New York.
February 14, '95

Mr. Bernard R. Green,
Superintendent & Engineer,
Dear Sir:

After having considered maturely a number of subjects for the two panels in mosaic to be placed over the marble mantels in the Congressional Reading Rooms (W. S. C.) of the Library of Congress, I beg to submit the following:

As peculiarly fitting for a reading room devoted to the use of legislators, I propose as subjects for the two mosaics, Law for the one, History for the other. My intention is to treat both allegorically - or symbolically. The composition -- for which I shall proceed to make sketches at once, if subjects are approved - would be somewhat as follows.

Law. A female figure of Law in centre - extending a crown (of leaves) toward the right; supporting a sword with the left. Ranged to the right of central figure, figures typifying Innocence, Peace and Industry; to the left Fraud, Discord and Violence, with probably two figures of boys to right & left of Law, supporting emblems; the entire composition embodying the spirit of the lines by Sir William Jones --

"And Sovereign Law, that states collected will
O'er thrones and globes elate,
Sits empress, crowning good, expressing ill."

History - to be treated in a manner analogous to the above; the details I have not yet settled.

Another manner of treating the subject of Law might be --

figure of Law in centre, ranged to right and left historical figures of eminent law givers of various countries and ages -- such as Moses, Solon, Justinian, Charlemagne, ending with Chief Justice Marshal on one side and some eminent English judge on the other.

The idea at bottom of this design being the rise or evolution of Law.

On account of the peculiarities and limitations of mosaic I should prefer the treatment first indicated. For the same reasons I submit the above subjects in preference to others of an historical nature which I had seriously considered.

Mr. Edward Pearce Casey permits me to say that I have spoken with him concerning the various subjects I had entertained and that he approves of ~~xxx~~ my submitting those given above.

I beg also to say that I called at Batterson, Lee & Eisele's establishment and have arranged that they furnish me with exact dimensions, color of marble, &c.

In your first communication to me of Dec. 22nd last you specify "marble mosaic panels". I understand however that this wording does not exclude the use of glass and enamel such as is used in the best mosaic work.

Within a few days I hope to inform you whether I propose to furnish the cartoon, or paintings only or these and the completed mosaics set in place.

Awaiting your reply

I am very truly yours

Frederick Dielman.

----oOo----

COPY.

1512 Broadway, New York.
March 30th, '95.

Mr. Bernard R. Green
Superintendent & Engineer
Office of Building for Library of Congress

Dear Sir:

I am in receipt of your favor of yesterday and beg to apologize for not having informed you as I had written that I should; the delay has been owing to my probably misunderstanding something said to me by Mr. Casey on the subject.

On investigating the matter of mosaic work I found that the panels can be executed in this city at least as well as anywhere else -- Also that it would be entirely practicable for me not alone to superintend the work but to control it in every detail and if necessary to experiment or lay parts myself if I desire it; and that one of the largest and best firms in this city would like me to use their place with as much freedom as if it were my own. Under these circumstances I feel that the best final result can be obtained by my undertaking to furnish you the completed mosaic and I am therefor prepared to make the contract to that effect.

I am now engaged on the designs for the cartoons and shall send you color sketches in course of the coming month. In answer to my inquiry whether tesserae of glass or enamel might be used, although your offer of the commission spoke of "marble mosaics" -- you replied on Feby 15th "It is quite likely that glass will be preferred to the marble for the mosaics as you suggest". On this point will you kindly give me definite instructions, as the restriction to natural stone tesserae would materially affect my color scheme. I may mention that the translucent glass tesserae admit of more brilliancy than the so-called enamel (which is a common glass, - opaque) while the marble as you know would not

afford the same range as either of the former.

I am very respectfully yours,
Frederick Dielman

P. S. I neglected to say that I have been working on the supposition that tesserae of glass may be used. F.D.

----oOo----

COPY.

1512 Broadway, N. Y.
May 9, 95.

Mr. Bernard R. Green
Superintendent & Engineer
Dr Sir:

I send by express this afternoon to your address some sketches to give a general idea of how I propose to treat the two panels in mosaics over the mahtels in Congressional Reading Room W. S. C. First Story.

I regret that it was impossible for me to make within the prescribed time two uniform sketches, and beg to say that those which I send are inadequate to express what I hope to do, both in composition and color. The sketch of the subject "History" -- with the three principal figures of "History""Mythology", and "Tradition" -- is intended to be changed by the addition of several more minor figures to combine the three large masses -- and the background will be made more simple.

In the case of the other composition "Law" I beg to say that although I should like to adhere to the general arrangement I propose to get rid of the isolation and rigidity of the figures - none of these being as yet studied from life - while in color, of course, both scheme will be refined and harmonized.

Mr. Casey asks me to say that he has seen the sketches and that therefor they may be returned direct to my address which accordingly I would ask you to do at your convenience.

In course of the month I expect to be in Washington.

I am very truly yours
Frederick Dielman

----oOo----

COPY.

1512 Broadway, N. Y.
Sept 25th 95.

Mr. Bernard R. Green,
Superintendent & Engineer
Dear Sir:

I am in receipt of your favor of 24th inst.

I shall send you full reply to your inquiries concerning the setting of the two mosaics at the earliest possible moment. Within a few days I propose to see Messrs. Batterson, Lee & Eisele; I also expect to be in Washington in the early part of October, when - as I am glad to hear - I shall be able to see the mantels in position.

I am very respectfully yours
Frederick Dielman

----oOo----

COPY.

1512 Broadway, New York
May 1st, 1896.

Mr. Bernard R. Green
Dear Sir:

I beg to acknowledge receipt of your favor of April 29th

In reply to your inquiry I can say that one of the panels for the reading room is ready to be put into the hands of the mosaic people - with exception of a small matter of detail, and that I shall of course urge the work to completion with all my power.

The second design I am also at work on, and intend to allow some five months on that for the mosaic workers - which from the estimated I have had is ample time for laying the work.

In a few days I shall write to Mr. Casey to request him to look at the first panel before sending the same away.

I will report progress to you later, both as to the mosaic work proper and as to the second panel.

Yours respectfully

Frederick Dielman

----oOo----

COPY.

1512 Broadway, N. Y.
May 20th 1896

Mr. Bernard R. Green

Dear Sir:

After having sent to the mosaic people in Venice a photograph of the first panel and a sketch of the second I have received an answer with an estimate which, I am glad to find, makes it possible for me to have the mosaic laid by them. After consulting with Mr. Casey, as well as others whose opinion is of weight, I concluded to have the work done in Venice if it could be done within the means at my disposal. I could have it done at a lower figure here -- by the Tiffany Glass Company but unquestionably the Venetian mosaic is preferable for our purpose to the translucent glass which would be used by the Tiffant Company - and I want to get the best result attainable.

I now write for information on several points. The price to be paid will not permit me to go to Venice to Superintendent the work in person -- I can however superintend the setting in Washington. The Venice people guarantee the best work through their agents here -- (Aeschleiman and Pelarin, who will do the setting) What I wish to ask is, should I make the contract so as to make the acceptance of the work conditional on the approval of yourself or will my approval be sufficient?

Secondly, would there probably be any delay in the payment for the mosaic when set in place?

Can you inform me whether any duty will have to be paid on the mosaic? I am counting on its coming in free as it is for a public building. The payment of a duty would make the execution of the work abroad prohibitory. If you should be unable to give me authoritative information on this head will you kindly indicate where I can get the information?

I am writing to Mr. Casey by this mail, asking him to look at the first panel; will Mr. Casey's approval of the design be sufficient, so that I can safely proceed with the execution in mosaic? I have only a small and poor photograph else I should send one to you -- in a week or ten days I hope to have a fine one.

If everything proves satisfactory in the respects mentioned above, the picture will be sent to Venice within a week. Will you favor me with an early reply and oblige,

Very truly yours

Frederick Dielman

----oOo----

COPY.

41 West 10th St. New York.
Aug. 19, 1896

Mr. Bernard R. Green
Dear Sir:

I learned a short time ago that the original painting for one of the mosaic panels in the reading room of the new library -- which was sent to Venice last June -- was detained at Genoa for a very long time, in the Custom House, according to Wells, Fargo and Co who had it in charge. The picture was over a month in reaching its destination.

This is of course a very serious delay and I write at Mr. Casey's suggestion to ask if you think it possible, and could help me to obtain some kind of certificate from our Treasury Department which might be sent to the Custom house officials of Genoa - or possibly to our Consul there, and which might prevail upon the authorities at that port to let me second design pass them without being subjected to a similar detention.

It would seem that a paper from the proper authorities certifying to the nature of the picture and the conditions making reasonable dispatch desirable -- might obtain the courtesy of prompt examination and release.

If you can suggest any way of obtaining such a paper I should feel greatly obliged in the meanwhile I shall see if anything can be done by me at the Italian Consulate here.

I am very truly yours,
Frederick Dielman

----oOo----

COPY.

41 West 10th St
New York
Aug. 24th 1896.

Mr. Bernard R. Green
Dear Sir:

I beg to acknowledge receipt of your favor of 20th inst.

I was informed at the Italian Consulate that by making an affidavit as to the nature of the picture sent to Venice I could obtain from the Italian Chamber of Commerce in this city a certificate to help in passing it through the Custom house in Genoa - but that such paper would simply be a commercial document of which they issue many and which would have little weight in hastening its release. On my inquiring as to the advisability of procuring a paper from Washington, the officers of the Consulate said that that undoubtedly would accomplish the purpose and suggested that the request might be made to the Italian Embassy, Washington. Accordingly - much as I regret to trouble you - I will ask you, if you think well of it, to be so good as to procure such a paper either from the State Department as you suggest, or from the Italian Embassy.

The size of painting proper is 1 metre and 9 centimetres by 2 metres 29 centimetres -- it is rolled and enclosed in a cylindrical tin box -- this is enclosed in a wooden box measuring 1 metre 30 centimetres in length and about 15 centimetres in breadth and thickness. The box is addressed to Andrea Avon, Venice, Italy and was shipped through Wells, Fargo & Co. probably by S. S. Faldo which sailed from New York in Aug. 22nd.

These I presume are about all the details of description needed -- if you think well I can furnish a small photograph of the pcitures (which I should enclose now but that I have no print at hand.)

In view of the very long delay to which the first picture was subjected I think it very desirable that a similar mishap should

be averted in case of the second one; and I shall of course feel infinitely obliged to you for any measures you can take to insure a speedy delivery.

I am very truly yours,
Frederick Dielman

----oOo----

COPY.

41 West 10th St.
New York.
Sept. 30th 1896

Mr. Bernard R. Green
Dear Sir:

The first panel in mosaic has arrived at this port and I must trouble you again with a request to assist me in clearing it from the Custom House. I learn on inquiry at the Collector's Office that the steps to take are that the authorities of the Congressional Library make a request that the mosaic and the original design be admitted free of duty the former being for a U. S. Building, the latter the work of an American citizen; the request to be addressed to the Secretary of the Treasury, who will then send the necessary order to the Collector of N. Y. I was shown similar orders from the Secretary of the Treasury; the state particulars describing tht e cases which I give below.

May I trouble you to have this request sent to the Secretary of the Treasury.

There are two cases marked respectively A 1 and A 2 -- the former containing the mosaic, the latter the original oil painting. They were sent from Venice by Andrea Avon, consignee to Geo. W. Sheldon & Co. & arrived at this port on steamer "Erus" on Sept. 29th.

Of course I should like to have the work out of the Custom House and set as soon as possible.

I am informed by the firm [illegible] set the mosaic that it would be well, in fact necessary, in order to avoid trouble with the trades unions, that the matter should be kept absolutely quiet and that particularly no mention of the mosaic and the setting should be made to the people now engaged in mosaic work in the Library Building.

I have not thanked you for your efforts toward freeing the second design from the Genoa Custom House, and beg to do so by this opportunity.

I am very truly yours,
Frederick Dielman

----oOo----

COPY.

41 West 10th St.
New York.
Oct. 3rd, 1896.

Mr. Bernard R. Green
My dear Sir:

I beg to acknowledge receipt of your favor enclosing copy of request sent to the Secretary of the Treasury.

The mosaic people have concluded to set the panel here, - in an iron frame or on a slab, and to take the same to Washington ready to put in place.

As Mr. Casey has not the data I now write to ask if you will kindly have prepared and send me a sketch of a section through that portion of the Sienna marble mantel which comes next to the mosaic -- as actually constructed.

The exact size of the opening is 3' 7" x 7' 5-1/2"; what we wish to know is whether the moulding is made, at the back with a rabbet -- after the manner of a picture frame -- in which case I presume the moulding is not as yet fixed in place; or whether there is no rabbet -- in which latter case the slab or frame must be of the exact size of the opening.

Will you also kindly give me the depth of space from face of moulding to the brick wall of chimney which I believe is to be filled in with concrete or cement.

The work will be taken in hand at once as I presume the mosaic may be taken from the Custom house early in the week.

I am very truly yours
Frederick Dielman

----ooo----

COPY.

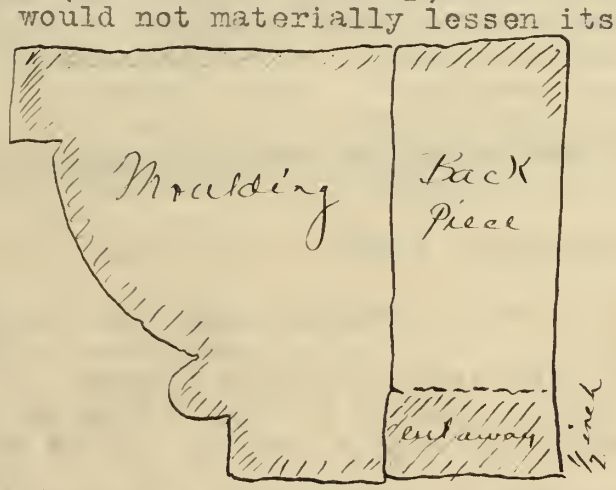
41 W 10th St. N. Y. City
Oct 8th, 1896

Mr. Bernard R. Green
Dear Sir:

I am in receipt of your favor of yesterday as well as of the roll containing the sketches requested; the latter show definitely what I wished to know. The mouldings &c on the sides are constructed as I hoped and expected them to be; but the extra marble strip re-enforcing the long pieces of moulding at top and bottom, necessary as it no doubt is, is a fatal circumstance for the introduction of our mosaic slab. It seems to me sufficient strength and support would have been given to the moulding if the strip of marble backing had been less in width by say half an inch so as to have formed the very desirable rabbet.

To shove into place so heavy a piece of mosaic, and to have its dimensions cut beforehand so accurately as to leave no crevice will be an extremely difficult matter, besides it seems to me wrong on principle -- the moulding should lap over the edges of the picture, and I very much regret that a rabbet to accomplish this was not left.

The mouldings, as you say, can be taken down; would it not be safe, and could you not have a half inch cut from the backing pieces, their whole length, as indicated on the next page? When everything is set in place the long moulding, through its backing piece, would rest on the mosaic (in case of the top) and it seems to me the half inch taken off would not materially lessen its strength.



Section through
top and bottom mouldings.

It seems so very desirable that the mosaic should be set in a metal frame and that this should be done while lying horizontal that I trust you may see your way to having the cutting done as suggested above. I fancy this will be no trouble or at least difficulty about securing the mosaic and mouldings.

If you can send an affirmative answer I should be obliged if you will telegraph, at my expense, -- as I am anxious to have the metal frame begun.

The mosaic and original were expected up from the Custom House to-day.

I am very truly yours,
Frederick Dielman

I learn that panel No. 2 reached Venice very quickly.

----oOo----

COPY.

41 West 10th St. N. Y.
Nov. 4th, 1896.

Mr. Bernard R. Green
Dear Sir:

In reply to your inquiry of Oct. 31st I beg to say that the first mosaic panel is set and entirely ready for shipment to Washington.

The mosaic people seemed to think it risky to move so heavy a mass before the cement is pretty thoroughly hardened; it will be safe to pack and ship the panel tomorrow or next day, however, and in the early part of next week it should be at the Library and set in place. I shall hurry on the matter in every way.

I am very truly yours,
Frederick Dielman.

----ooo----

COPY.

41 West 10th St. N. Y.
November 14th, 1896.

Mr. Bernard R. Green
Dear Sir:

After many delays the mosaic panel "History" was at length shipped to your address yesterday, in the morning; as it goes by express it will of course be delivered at the Library.

The panel is designed for the mantle at the South end of Cong. Reading Room W. S. C. as the light of the picture is supposed to come from the right. After connacting Mr. Casey I beg to ask that you permit the setting in place of the first panel to be deferred until the arrival of the second one, which is to follow in the early part of December. The reason for my making this request is mainly that the people having the part of the work in charge seem to entertain a boundless dread of the trade's unions and fear that serious trouble might be incurred by them especially in the setting of the second panel. I believe there is good reason for this fear -- in fact I was told by one of the large firms here, when I was getting my first estimates that if I had the work done in Venice I would find it impossible to have the mosaic set here.

If however you must have the panel put in place immediately we must find means to do it.

The box containing the mosaic has been marked so that the face of the slab can be readily uncovered.

I want to request, with Mr. Casey's approval, that when the mosaic is in your possession you willd remit a payment on the same -- the investment of time &c for so long a time has quite embarrassed my little finances.

When both panels are being put in place I shall be present, and see to the final retouching &c, by filling in of some points cleaning &c.

Tomorrow I shall mail a couple of rough photographs to you, of the cartoon.

I am very truly yours,
Frederick Dielman.

COPY.

41 West 10th St. N. Y.
Dec. 15, 96.

Mr. Bernard R. Green
Dear Sir:

In reply to your inquiry of yesterday I beg to say that my second mosaic panel is expected here any day it having been shipped from Genoa on or about the first of the month.

The people in Venice have taken more time on this second piece than on the first -- probably on account of the great amount of detail -- such as hands and feet - requiring careful work. It will probably have to be "set" in Washington, so that the delay which would be necessitated by the hardening of the cement may not be incurred and which might run on over the contrat time for delivery.

As soon as I can get the data, name of consignee &c I will write to you to ask for a letter from the Treasury Department as before.

Of course I shall not lose and hour but shall expedite matters as much as possible.

I am very truly yours,
Frederick Dielman

----oOo----

COPY.

41 West 10th St. New York.
Dec. 30, 1896

Mr. Bernard R. Green
Dear Sir:

The time within which I agreed to deliver the two mosaic panels is about to expire and although I am hourly hoping to hear that the second panel has arrived by the steamer Kaiser Wilhelm which came to port from Genoa yesterday I cannot even report that the panel is surely here. I need not say how much I regret this failure. The mosaic workers in Venice had the original in hand early enough to give them much more than the time they demanded for executing the work and on which Messrs. Aeschleiman & Pellarin based their contract with me. To Mr. Pellarin personally, when he was in Venice, and since then by letter, they said that the panel would be finished and shipped by the end of November. The last news was that it would surely be shipped by the first of December -- since then I have not been able to get work from them. I hope to be able to write tomorrow that the work arrived by yesterday's steamer -- which left Genoa on the 17th inst. Should this not be the case we will cable over to find out where the trouble lies.

I realized fully the necessity of having the work in place within the time set -- worked to the utmost of my ability to finish the cartoons and impressed on the mosaic people as strongly as I could the necessity of promptness. I can only trust that a little margin can be given and that the delay may not seriously affect your arrangements.

Yours very respectfully
Frederick Dielman

----oOo----

COPY.

41 West 10th St. N. Y.
Jany 2nd 97.

Mr. Bernard R. Green
My Dear Sir:

Inquiry at the brokers &c made it appear

that the mosaic was not on this week's steamer.

This morning when we were about to cable for information a letter arrived from Venice stating that the illness of a skilled mosaic worker whom they could not replace, had delayed the completion of the work in the first place, and that when they were about to ship the finished panel on first of December an accident to the same - (the nature of which is not stated) made it necessary to re-lay some of it. They state that the panel was shipped on the steamer Werra which is due at this port from the 10th to 12th inst.

I am heartily sorry that I cannot send a better report -- to say that I have suffered much anxiety and worry about this delay does not mend matters of course. The North German Lloyd Steamers are generally on time and I think there will be no further disappointment. It is proposed to have the bed of cement all prepared in the iron frame and ready to receive the mosaic as soon as it is out of the Custom House. I represented to Messrs. Aeschleiman and Pellarin that it is absolutely necessary to do the work without an hour's delay and that therefore they must do the setting in Washington, but they hold that the facilities for doing it here are so much greater that the delay that would be caused by letting the work harden for a few days would be more than outweighed by the time consumed in making necessary preparations for the setting in the building. As the backing of cement in the frame will have had time to harden before the mosaic is set upon it I think they may be right in this.

Unfortunately the marks of the boxes are not known, but might it not be well to request the usual order from the Treasury Department at once stating the contents of cases -- the marks on which will probably be as before A 1 and A 2, and which are consigned to Geo. A. Sheldon & Co.? This would -- if the order can be given -- enable us to get possession of the mosaic almost as soon as the steamer arrives. In five days after that the completed panel can be on its way to the Library. Could you let the setting of the large mosaic of the clock-piece wait until then or would you prefer to have the men for that purpose sooner?

No such trouble about making of frame -- trades unions, difficulties &c, as occurred in the case of the first panel need be apprehended this time.

I am very truly yours,
Frederick Dielman

----ooo----

COPY.

41 West 10th St. N. Y.
Jany 9th, 97

Mr. Bernard R. Green
Dear Sir:

Information has just been received to the effect that the two cases containing respectively mosaic of "LAW" and the original painting are marked AA 1 and A. A. 2. They come by steamer "WERRA" which left Genoa Dec. 31st and is due in New York Monday 11th inst. and are forwarded by the American Express to Messrs. Aeschleiman & Pellarin.

I am very respectfully
Frederick Dielman

----ooo----

COPY.

Office of Building for Library of Congress.
145 East Capitol Street,
Washington, D. C. December 22nd, 1894.

Mr. Frederick Dielman,
1512 Broadway, New York, N. Y.

Dear Sir:-

For the interior decoration of the principal halls and rooms of the Building for the Library of Congress nor approaching completion in this city, certain mural paintings and mosaics are required. Of the amount of money available, which is limited by law, a certain sum can be applied to this purpose and I am directed by Brig. General Thos. Lincoln Casey, U. S. Army, the officer in charge of the Building, to offer you the commission to paint, furnish and put in place complete two marble mosaic panels in the stone mantels of one of the Congressional reading rooms for the gross sum of four thousand dollars ($4,000,-) according to the following conditions, namely:-

Drawings Nos. 462, 631 and S. 159 sent to you herewith in a separate package, convey a good general idea of the proportions, arrangement and architecture of the Building and those of the room in which will be placed the mosaics you are asked to furnish.

The room is located in the 1st story immediately south of the west main pavilion, designated W. M. in the plan. It is designated W. S. C. and is intended for a reading room for members of Congress. The mantels are at the respective ends of the room.

Should you accept this commission you are requested to select for yourself and submit to this office as early as possible, say within two months, such appropriate subjects, different for the two mantels, as you may most desire to execute as a record of your art in this Building. A number of alternate subjects from which choice could be made would be better than a single subject.

Both allegorical and historical subjects may be considered.

After the subjects have been approved and adopted you will be desired to prepare and submit within the next two months thereafter sketches showing your general intention for their execution. When these are approved it is expected that you will enter upon the full size work and complete it within two years from the present date, that is to say, by December 31, 1896.

Should you not desire to furnish the mosaic work itself you may have the commission to furnish the two paintings or cartoons only and supervise the mosaic work for the sum of two thousand dollars ($2,000.-) total, the mosaics to be made by workmen under direct contract with this office.

The laws governing disbursements render it impracticable to make any payments for work that has not been completed and delivered.

Hoping that you can accept this commission under the conditions named and that it will be convenient for you to make an early reply, I am,

Very respectfully,
BERNARD R. GREEN,
Superintendent and Engineer.-

----oOo----

COPY.

Washington, D. C. January 2nd, 1895.

Mr. Frederick Dielman,
1512 Broadway,
New York, N. Y.

Dear Sir:

We are pleased to have received your favorable reply of the 27th instant to the letter offering you the commission to furnish the two mosaics for one of the Congressional Reading Rooms.

In answer to your question relating to other mural decorations in the room I have to state that there will be no others. The room will be wainscoted ten feet high and the opening richly covered with silk, the ceiling will be in ornamental panel or coffer work colored to suit the other finish of the room whereof the mantels, which will contain you mosaics, will be of Sienna marble extending up to the ceiling as shown in the drawings. Batterson, Lee & Eisele of 431 11th Ave. New York, have contract for these mantels.

Very respectfully,
Bernard R. Green
Superintendent and Engineer.

----oOo----

COPY.

Washington, D. C. January 22nd, 1895.

Mr. Frederick Dielman,
1512 Broadway,
New York, N. Y.

Dear Sir:-

By my letter of January 2nd instant, you were informed that Batterson See & Eisele of 431 Eleventh Avenue, New York, had the contract for the two marble mantels in which your mosaic panels are to be placed. I write now to suggest that you obtain from them direct the exact sizes of the panels to ensure proper fitting. I will give them your name and address and ask that they furnish you with all the information you may require for the correct adjustment of the mosaics with the mantel work.

Please let us know as soon as you can whether you will decide to accept the mosaic work itself or not.

Very respectfully,
Bernard R. Green
Superintendent and Engineer.

----ooo----

COPY.

Washington, D. C. February 15, 1895

Mr. Frederick Dielman,
1512, Broadway, New York, N. Y.

Dear Sir:-

I am pleased to acknowledge, on behalf of General Casey, the receipt of your letter of the 14th instant, outlining your designs for the mosaic panels and to reply that they strike this office very favorably, especially the first pair which you describe. We should like to have you submit sketches of them which you might show to Mr. Casey in New York before sending them here.

It is quite likely that glass will be preferred to the marble for the mosaics, as you suggest.

Very respectfully,
Bernard R. Green
Superintendent and Engineer.

----oOo----

COPY.

Washington, D. C. March 29th, 1895.

Mr. Frederick Dielman,
1512 Broadway, New York, N. Y.

Dear Sir:-

We are still without final answer from you as to whether you will accept the order for the mosaics themselves as well as the cartoons for the two mantel panels. The last letter received from you was dated February 14th last, and in it you said you would inform me within a few days on that point, and so the formal order for any of the work has been held back.

If you are not ready to decide the question of having the mosaic made under your own contract I will issue you the order for the cartoons for $2,000,- and leave the remainder of the work to be ordered when they are ready for use. Please let us know, by return mail if you can, what your present determination is in the matter and oblige,

Yours respectfully,
Bernard R. Green
Superintendent and Engineer.

----ooo----

COPY.

BUILDING FOR LIBRARY OF CONGRESS.
145 East Capitol Street,

No. 455.

Washington, D. C. April 1st, 1895.

Mr. Frederick Dielman,
1512 Broadway, New York, N. Y.

Please furnish for this building, deliver and put in place complete, two mosaic panels of translucent glass tesserae in the two marble mantels of the W. S. C. Congressional Reading Room, in accordance with the letter of December 22nd, 1894, from this office and your letter of March 30th, 1895, for the gross sum of four thousand dollars ($4,000.)

Bernard R. Green
Superintendent and Engineer.

----ooo----

COPY.

Washington, D. C. April 1st, 1895.

Mr. Frederick Dielman,
1512 Broadway, New York, N. Y.

Dear Sir:

I have just received with pleasure your letter of the 30th ultimo, accepting the offered commission to furnish the two mosaic panels in translucent tesserae for the Congressional Reading Room mantels in this Building, and now herewith enclose the formal order therefor.

Very respectfully,
Bernard R. Green
Superintendent & Engineer.

----oooo----

COPY.

Washington, D. C. May 17th, 1895.

Mr. Frederick Dielman,
1512 Broadway, New York, N. Y.

Dear Sir:-

Your letter of the 9th instant and the sketches (three in number) of your proposed mosaics for the mantels of the W.S.C. Congressional Reading Room for this Building, were duly received.

I am happy to inform you that the sketches, as explained and elaborated by your letter, are very satisfactory and that we anticipate a most creditable result. The sketches are returned to your address by Adams Express prepaid.

Trusting that you will be able to go on and complete the work to the full satisfaction of all concerned, I remain,

Very respectfully,

Bernard R. Green
Superintendent and Engineer.

----oOo----

COPY.

Washington, D. C. September 24th, 1895.

Mr. Frederick Dielman,
1512 Broadway, New York, N. Y.

Dear Sir:-

One of the two mantels which are to contain your mosaic panels is set in place and the other is now being set.

How do you expect to prepare the panels for placing in position? A carved marble moulding surrounds each, which it is necessary to leave in proper condition for receiving the panels. You may learn the exact character and construction of these mouldings from Messrs. Batterson & Eisele, 431 Eleventh Avenue, New York, who are building the mantels.

Please let me have your ideas and wishes in this matter at your earliest convenience.

The mantels will both be ready for the mosaics at any time after the early part of next month.

Very respectfully,

Bernard R. Green
Superintendent and Engineer.

----oOo----

COPY.

Washington, D. C. October 16th, 1895.

Mr. Frederick Dielman,
1512 Broadway, New York, N. Y.

Dear Sir:

Since the receipt of your letter of the 25th ultimo, saying that you would write more fully as to when you could finish the mosaics for the mantels and that you expected to come to Washington to see the mantels in place early in this month, we have not heard from you.

Both mantels are ready to receive the panels and it is hoped that you will soon be able to deliver them. Will you kindly let us hear from you and oblige,

Yours very respectfully,

Bernard R. Green,
Superintendent and Engineer.

----oOo----

COPY.
CIRCULAR LETTER.

Washington, D. C. October 20th, 1895.

Gentlemen:-

I trust the Artists, (Painters), who have been asked to furnish specimens of their skill for this building, will pardon me for calling their attention to the near approach to completion of the structure.

In order that the building may be turned over to the Congress at the time agreed, it is necessary, that the works of painting should be delivered in place by the 1st of January 1897,

otherwise, a failure to complete might result in great inconvenience to the Government, and perhaps unmerited criticism upon myself.

The time when the building will be ready for the work of any artist, will be furnished promptly to each gentleman.

Very respectfully
Your obedient servant
Thos. Lincoln Casey.
Brig. General, U. S. Army, In Charge.

The places for your mosaics are now ready to receive them.

To Frederick Dielman.

----ooo----

COPY.

Washington, D. C. August 20th, 1896.

Mr. Frederick Dielman,
41 West 10th Street, New York, N. Y.

Dear Sir:

Your letter of yesterday is received.

I suppose the best thing to expedite your next painting, for the mosaics, through the Genoa Custom House, is first to see the Italian Consul in New York as you propose, and then, if necessary, for me to ask the State Department to request through the American Consul at Genoa, special attention to it. Such a request would have to contain a full description of the package for identification.

Very respectfully,
Bernard R. Green
In Charge.

----ooo----

COPY.

Washington, D. C. September 5th, 1896

Mr. Frederick Dielman
41 West 10th Street, New York, N. Y.

Dear Sir:

Following the suggestion in your letter of August 24th ultimo, I applied to the Secretary of State requesting that the Customs authorities in Genoa be asked to give special expeditiion to the painting for your second mosaic panel for this Building, and I now enclose a copy of the reply received, for your information.

Very respectfully,
Bernard R. Green
In Charge.

----oOo----

COPY.

Washington, D. C. October 1st, 1896.

Mr. Frederick Dielman,
41 West 10th Street, New York, N. Y.

Dear Sir:

Your letter of the 30th ultimo is received and I have accordingly made the request of the Secretary of the Treasury to cause the two packages to be passed free through the New York Custom House. A copy of this letter is enclosed herewith for your information.

When the other mosaic comes let me have the description of its packages and I will request its free entry also. The formality is a simple one and we frequently have to use it.

Very respectfully,
Bernard R. Green
In Charge.

----ooo----

COPY.

Washington, D. C. October 7th, 1896.

Mr. Frederick Dielman,
41 West 10th St. New York, N. Y.

Dear Sir:

In response to your letter of the 3rd instant I send you herewith in a separate roll a drawing showing, in full size, the moulding and spaces at the several sides of the two mantel panels.

On account of the great length of the top and bottom pieces of moulding, they are necessarily strengthened by strips of stone cemented on the back flush with the opening as shown in the drawing, and this occurs also at one end of the south mantel panel except that it leaves a rabbit of fully 3/4".

It will therefore be best, I believe, to cut the mosaic to full neat height of opening and about 3/4" longer than the opening at each end making in all 1-1/2" longer. Thus the end mouldings will lap 3/4" on the panel.

The bottom and two end pieces of moulding have been fastened in with the usual marble-man's plaster of Paris and small wire anchors, while the top piece is still detached. All may be readily and safely loosened and reset with the mosaic by your men however, but it will require some skilful work to properly secure everything.

I should say that the bottom moulding need not be disturbed and that the mosaic slab can be set directly on the backing piece of stone.

If the above information is not sufficient please let me know.

Very truly yours,
Bernard R. Green
In Charge.

----oooo----

COPY.

TELEGRAM.
Washington, D. C. October 9, 1896.

Ferderick Dielman,
41 W. 10th St. New York City.

We will prepare the rabbets as you desire.

Bernard R. Green

----oOo----

COPY.

Washington, D. C. October 31st, 1896.

Mr. Frederick Dielman,
41 West 10th Street, New York, N. Y.

Dear Sir:-

We ~~furnish~~ finished rabbeting and preparing the marble mouldings for your mantel panels some time ago, and all is ready for the one you have in hand.

When do you expect to put it in?

Very respectfully,
Bernard R. Green,
In Charge.

COPY.

Washington, D. C. April 29th, 1896.

Mr. Frederick Dielman,
1512 Broadway, New York, N. Y.

Dear Sir:-

Will you kindly write at your earliest opportunity and tell mex how much you have accomplished towards the completion of your two mantel mosaics for this Building?

Time is fleeting and this is my reason for troubling you to make a statement of progress.

I think Mr. Casey saw you recently and reported that you were doing well but ~~mak~~ am not clear how much that actually meant.

With sincere regard,

Yours,
Bernard R. Green
In Charge.

----oO----

COPY.

Washington, D. C. May 21st, 1896.

Mr. Frederick Dielman,
1512 Broadway, New York, N. Y.

Dear Sir:-

Your letter of the 20th is received, and I am very much pleased to know that you will have your mosaics made in Venice especially if there will thus be no serious delay incurred in the final placing of them in the mantels:

As to your inquiries:

Your contract with the party in Venice should be made on your own acceptance of the work, which, of course, in turn depends on acceptance by this office.

There will be no delay whatever in making payment for the mosaics as soon as completed in place satisfactorily, and I could even pay separately for the first one so placed should it be of any material advantage to yourself.

No duty will have to be paid on the mosaics. All works of art for this Building have thus far been admitted duty free and there is no probability of any change in this before Congress meets again next winter. Only the small charges for freight, handling, and releasing from the Custom House, will have to be paid by you.

Mr. Casey's approval of the work will be adopted by this office and you can communicate directly with him on that point.

Very respectfully,
Bernard R. Green
In Charge.

----oOo----

COPY.

Washington, D. C. November 19th, 1896.

Mr. Frederick Dielman,
41 West 10th Street, New York, N. Y.

Dear Sir:-

Your letter of the 14th instant was duly received with the mosaic panel referred to on the 16th. It has been placed in the room in its box, the face uncovered for inspection - and again recovered temporarily until you shall come on with the second panel as proposed in that letter. The two photographs referred to came to-day, and are very fine.

I enclose herewith a pair of duplicate vouchers for a part payment of $1,000,- on account, as requested. Please return

the original order for the panels as it has to be filed with the voucher.

Very respectfully,
Bernard R. Green
In Charge.

----ooo----

COPY.

Washington, D. C. December 14th, 1896

Mr. Frederick Dielman,
41 West 10th Street, New York, N. Y.

Dear Sir:-

I have expected your second panel here about this time, according to your letter of November 14th inst, but hear nothing further of it as yet. What is the situation concerning it and when may it reasonably be expected?

Very respectfully,
Bernard R. Green
In Charge.

----ooo----

COPY.

Washington, D. C. December 31st 1896

Mr. Frederick Dielman,
41 West 10th Street, New York, N. Y.

Dear Sir:-

I am in receipt of your letter of the 30th instant.

We can wait a little longer for the mosaic but everything is now rapidly closing up here, crowds of visitors are coming through the Building more and more and Congress is moving in the matter of occupation, so that every day's delay is embarrassing the situation.

The mosaic (in sections) of the clock piece for the rotunda is now arriving at the Building and I have to put it in place, joining the sections and mounting it on a brick backing already in place to receive it, and I would like to employ the same men to do it who come to set yours, provided they come soon.

This makes it a matter of additional importance that your delayed mosaic should get here very soon. I hope it is not in the fragmentary condition of the first one requiring delay in New York for mounting it before it can come to Washington.

Very respectfully,
Bernard R. Green
In Charge.

----ooo----

COPY.

Washington, D. C. January 4th, 1897.

Mr. Frederick Dielman,
41 West 10th Street, New York, N. Y.

Dear Sir:-

Your letter of the 2nd instant shows that you are experiencing what I learned many years ago in carryong on works of construction, - that, if time be not taken by the forelock, illness of a workman, the breaking or misfit of a piece, bad weather on a voyage, or any one of several other unexpected accidents that may arise will totally defeat the object of finishing the ~~in~~ job on time.

I cannot ask for remission of duties on a package whose marks and complete description are unknown.

Very truly yours,
Bernard R. Green
In Charge.

----ooo----

COPY.

Washington, D. C. January 14th, 1897.

Mr. Frederick Dielman,
41 West 10th Street, New York, N. Y.

Dear Sir:

Under date of the 13th instant, the Secretary of the Treasury informs me that he has given instructions to the Collector of Customs of the Port of New York, to admit free of duties and charges the two cases, to arrive per S. S. Werra, - containing your original painting and the mosaic panel made therefrom for this building.

Very respectfully,
Bernard R. Green
In Charge.

----ooo----

New York, 20th. 1899

I certify that this and the preceding 18 sheets of typewriting are true copies of all correspondence between this office and Frederick Dielman.

Neal Woodward
Chief Clerk

U. S. Circuit Court
Dist of Mass
In Equity No. 1133
Frederick Delman
v.
R. H. White Co.
Defendant's Exhibit
Certified Copy of Correspondence between Frederick D. Elman and Barnard R. Green.

Everett D. Chadwick,
Spec'l Asst

UNITED STATES OF AMERICA.

Massachusetts District, ss.

To The R.H.White Company, a corporation duly organized under the laws of the State of Massachusetts and doing business at Boston in said State and District,

GREETING:

FOR CERTAIN CAUSES, offered before the Circuit Court of the United States of America, for the first Circuit, within and for the Massachusetts District, as a Court of Chancery, WE COMMAND AND STRICTLY ENJOIN YOU, laying all other matters aside, and notwithstanding any excuse, that you personally be and appear before our said Circuit Court at the Rules, to be holden at the office of the Clerk of our said Court, in Boston, in said District, on the first Monday, being the fifth day of June next, to answer to a Bill of Complaint exhibited against you in our said Court, wherein Frederick Dielman of the City and State of New York, a resident of the City of New York and a citizen of the United States,

is Complainant and you are Defendant; and to do further and receive that which our said Circuit Court shall consider in this behalf. And this you are in no wise to omit, under the pains and penalties of what may befall thereon.

Witness, *the Honorable MELVILLE W. FULLER, Chief Justice of the United States, at Boston, this* twenty second *day of* April, *A. D.* 1899, *in the one hundred and* twenty third *year of the Independence of the United States of America.*

Benj. F. Bradley, Clerk

MEMORANDUM. The defendant is to enter his appearance in the suit in the Clerk's Office, on or before the day at which the writ is returnable, otherwise the bill may be taken *pro confesso.*

United States of America, } Boston April 22 1899
MASSACHUSETTS DISTRICT, SS.

I hereby certify that I have served the within Subpœna by delivering within named The R. H. White Company a true attested copy of this Precept.

Fee
Service 2.00
Copy .30
Time .15
2.45

Allen Tuttle United States Deputy Marshal.

In Equity.

FREDERICK DIELMAN

v.

THE R. H. WHITE COMPANY.

SUBPŒNA,

RETURNABLE, JUNE RULES
To wit, June 5th, 1899

UNITED STATES
Room 101 P. O. Building,
APR 22 1899
BOSTON, MASS.
MARSHAL'S OFFICE.

ALEX. P. BROWNE,
Attorney.

UNITED STATES OF AMERICA.

Massachusetts District, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal of our District of Massachusetts, or to either of his Deputies,

GREETING:

WE COMMAND YOU that you summon The R.H.White Company, a corporation duly organized under the laws of the State of Massachusetts and doing business at Boston in said State and District,

(if ~~xx~~it may be found in your precinct)
to appear before the Circuit Court of the United States, to be holden at Boston, within and for the Massachusetts District, on Tuesday, the twenty fifth day of April, current, at ten o'clock, A.M., then and there to show cause, if any it~~xx~~ has, why an injunction should not issue against ~~x~~ it as prayed for in the Bill of Complaint of Frederick Dielman of the City and State of New York, a resident of the City of New York and a citizen of the United States,

this day filed in the office of the Clerk of said Circuit Court.

HEREOF FAIL NOT, and make due return of this Writ, with your doings thereon, into our said Court.

Witness, *the Honorable MELVILLE W. FULLER, Chief Justice of the United States, at Boston aforesaid, the* twenty second *day of* April, *in the year of our Lord one thousand eight hundred and ninety-* nine.

Benjn. Bradlee Deputy CLERK.

District of Massachusetts } Boston April 22, 1899

Pursuant hereunto I have this day summoned the within named The R. H. White Company to appear before the Court within mentioned at the time within mentioned by delivering in hand to Geo. W. Crosby Treasurer of the R. H. White Company at Boston a duly attested copy of this Precept.

Fees
Summons 2.00
Copy .30
Travel .12
2.42

Allen Suttle
Deputy U. S. Marshal.

1199

In Equity.

FREDERICK DIELMAN

vs

THE R.H.WHITE COMPANY.

SUMMONS TO SHOW CAUSE.

RETURNABLE Tuesday, April 25th, 1899, at 10 A.M.

ALEX.P.BROWNE,

Attorney.

CIRCUIT COURT OF THE UNITED STATES.

District of Massachusetts,

In Equity.

oOo

FREDERICK DIELMAN

v.

R.H. WHITE COMPANY.

oOo

AFFIDAVIT OF BERNARD R. GREEN.

Bernard R. Green, being duly sworn, doth depose and say as follows, viz:-

I am of lawful age and as superintending engineer I have had immediate charge of the construction of the Congressional Library at Washington, D. C. At present I hold the position of Superintendent and Engineer in immediate charge of the Library building, having my office in the Library Building. At the time when the arrangements were being made for the mural decoration of the Congressional Library I wrote a letter to Mr. Frederick Dielman, of New York, dated December 22, 1894, inviting him to accept a commission to --

> "paint, furnish and put in place complete two marble mosaic panels in the stone mantels of one of the Congressional Reading Rooms for the gross sum of four thousand dollars, ($4,000.)"

In this letter dated December 22, 1894, which I wrote to Mr. Dielman on behalf of the Government, I said:-

> "Should you accept this commission you are requested to select for yourself and submit to this office as early as possible, say within two months, such appropriate subjects, different for the two mantels, as you

may most desire to execute as a record of your art in this Building. A number of alternate subjects from which choice could be made would be better than a single subject.

Both allegorical and historical subjects may be considered.

After the subjects have been approved and adopted you will be desired to prepare and submit within the next two months thereafter sketches showing your general intention for their execution. When these are approved it is expected that you will enter upon the full size work and complete it within two years from the present date, that is to say, by December 31, 1896."

Mr. Dielman replied to me by letter dated December 27, 1894, saying:-

"I beg to say that I accept with pleasure the above commission and that I shall use every endeavor to furnish designs that I shall be glad to have on record as examples of my art and that shall be worthy of the building and the other decorative work within it.

I shall take the matter in hand at once and within the specified time will send suggestions for subjects."

On February 14, 1895, Mr. Dielman wrote to me as superintendent and engineer in charge that --

"After having considered maturely a number of subjects for the two panels in mosaic to be placed over the marble mantels in the Congressional reading room, (W. S. C.) of the Library of Congress"

he submitted certain general suggestions in writing describing the general manner in which he proposed to design the mosaics. On February 15, 1895, I replied to Mr. Dielman saying that the suggested designs in his letter struck --

"this office very favorably, especially the first pair which you describe. We should like to have you submit sketches of them."

On March 30, 1895, Mr. Dielman wrote me, saying in the course of his letter:-

"Iam now engaged on the designs for the cartoons and shall send you color sketches in course of the coming month."

On April 1, 1895, I wrote to Mr. Dielman on behalf of the Government formally closing the agreement with him for these two mural decorations in the Congressional Reading Room, my letter being as follows:-

"Washington, D. C. April 1st, 1895.
Mr. Frederick Dielman,
#1512 Broadway, New York, N. Y.
Please furnish for this building, deliver and put in place complete, two mosaic panels of translucent glass tesserae in the two marble mantels of the W. S. C. Congressional Reading Room, in accordance with the letter of December 22nd, 1894, from this office and your letter of March 30th, 1895, for the gross sum of four thousand dollars, ($4,000.)
Bernard R. Green
Superintendent and Engineer."

On May 9, 1895, Mr. Dielman wrote me a letter in which he said:

"I send by express this afternoon to your address some sketches to give a general idea of how I propose to treat the two panels and mosaics over the mantels in the Congressional Reading Room."

On May 17, 1895, I wrote to Mr. Dielman, as superintendent and engineer of the Building, a letter saying:-

"Your letter of the 9th instant and the sketches (three in number) of your proposed mosaics for the mantels of the W. S. C. Congressional Reading Room for this Building, were duly received.
I am happy to inform you that the sketches, as explained and elaborated by your letter, are very satisfactory and that we anticipate a most creditable result. The sketches are returned to your address by Adams Express prepaid.
Trusting that you will be able to go on and complete the work to the full satisfaction of all concerned, I remain,
Very respectfully,
Bernard R. Green,
Superintendent and Engineer."

Between this letter of May 17, 1895, and the final completion and setting in place of these mosaics I wrote to Mr. Dielman some sixteen letters, my total correspondence with Mr. Dielman re-

lating to these mosaics extending over the time from December 22, 1894, to January 14, 1897, and during that time I find that I wrote to Mr. Dielman some twenty-four letters, and Mr. Dielman wrote to me some eighteen letters.

During the time that the agreement was being made with Mr. Dielman relating to these mosaics for the Congressional Reading Room, I had no personal interviews with Mr. Dielman, but conducted the negotiations wholly by letter, concluding the agreement by my formal letter of April 1st, 1895, to which I have already referred, and the correspondence between Mr. Dielman and myself as the representative of the Government contains all the agreement entered into between the Government and Mr. Dielman relating to making and furnishing these mosaics to the Government by Mr. Dielman.

My understanding with Mr. Dielman was that he was commissioned by the Government to furnish two mosaics for the gross sum of $4,000, one of "History" and one of "Law" from original designs to be especially made by him for the Government and the said designs to be submitted to the proper Government agent for approval. Nothing whatever was said about reserving any right to Mr. Dielman to copyright these two mosaics which were to be furnished to the Government, nor did I in making the contract understand that the Government was to be prevented from making any photograph or other reproduction of the mosaics if it so desired, or that any person whom the Government might commission or permit to make reproductions of the mosaics should be prevented from so doing by Mr. Dielman or anyone acting in his behalf. When the mosaics were brought into this country from Venice, where the actual work of making the mosaics was performed, I obtained for Mr. Dielman, at his request, an order from the Secretary of the Treasury admitting the mosaics of Mr. Dielman free of duty on the ground that the mosaics were

works of art intended for the Government.

On November 19, 1896, before the two mosaics were completed and in place in the Reading Room, I sent Mr. Dielman $1,900, as part payment of a total of $4,000, which was to be paid when the two mosaics were delivered to the Government.

It is now and has always been the custom of those in charge of the Library and building, to permit all persons to freely view and photograph the mural decorations.

----oOo-

Bernard R. Green.

Washington, D. C. June _____1899.

Then personally appeared before me the above-named Bernard R. Green, and swore that the above affidavit subscribed by him, is true,

David T. Fleming

Notary Public.

1133

U. S. Circuit Court.

Dist. of Mass.

In Equity No 1133

Frederick Dalman

v.

R. H. White Co

Affidavit of Bernard R. Green for Defendant.

WASHINGTON ST. & BEDFORD ST.
HARRISON AVE. & NORFOLK PLACE.
NEW YORK, 480 BROOME ST.

Boston, April 25, 189 9.

Alexander P. Browne, Esq.,

#31 State St., City.

Dear Sir:-

The omission of the final e in your name on the back of your writs of Saturday, caused us considerable delay in finding out what the action was for. As yet, we have not even placed the photographs referred to as on sale and probably shall not. In consequence of the delay we shall not put in any defense in the issuance of the injunction called for and shall leave it to Messrs. Landon, Kent & Co. to decide whether they will defend the suit of June 5th or not.

Very truly,

R. H. White Company

By Geo. W. Cooper Treas

R. H. White

No. 1183

Circuit Court of the United States,

DISTRICT OF MASSACHUSETTS.

Fred K Dielman

v.

R H White Co

The Clerk will enter my appearance as counsel for the

Complainant

No. 1133

Circuit Court of the United States,

DISTRICT OF MASSACHUSETTS.

Deilmon

v.

R. H. White & Co

The Clerk will enter ~~my~~ our *appearance as counsel for the*

defendant

Fish, Richardson & Storrow

1133

No. 1133

Circuit Court of the United States,

DISTRICT OF MASSACHUSETTS.

Dilman

v.

R. H. White & Co

The Clerk will ~~*enter my*~~ *withdraw our appearance as counsel for the*

defendant.

Keith, Richardson & Morrow

1133

No. 1133

Circuit Court of the United States,

DISTRICT OF MASSACHUSETTS.

Frederick Dickman

v.

R. H. White Company

The Clerk will enter ~~my~~ our *appearance as counsel for the* Defendant

Fish Richardson & Storrow